

By Mr. BRAND of Ohio: A bill (H. R. 3249) granting an increase of pension to Mary Currier; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 3250) for the relief of Edward C. Compton; to the Committee on Banking and Currency.

Also, a bill (H. R. 3251) for the relief of Joseph F. Thompson; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 3252) granting a pension to Sarah B. Arnett; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 3253) granting a pension to Manuel Evicks; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 3254) for the relief of John W. Arntson to the Committee on Military Affairs.

Also, a bill (H. R. 3255) for the relief of Sylvester S. Thompson; to the Committee on Military Affairs.

Also, a bill (H. R. 3256) for the relief of David F. Richards, alias David Richards; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 3257) for the relief of Ellen B. Monahan; to the Committee on Claims.

Also, a bill (H. R. 3258) to correct the naval record of Peter Hansen; to the Committee on Naval Affairs.

Also, a bill (H. R. 3259) to correct the military record of John W. Fisher; to the Committee on Military Affairs.

Also, a bill (H. R. 3260) to correct the military record of Alfred G. V. Meldahl; to the Committee on Military Affairs.

Also, a bill (H. R. 3261) for the relief of William Eckman; to the Committee on Claims.

Also, a bill (H. R. 3262) for the relief of the legal representatives of Owen Thorne, deceased; to the Committee on Claims.

Also, a bill (H. R. 3263) for the relief of James Walsh; to the Committee on Naval Affairs.

Also, a bill (H. R. 3264) to correct the military record of John G. Wiest; to the Committee on Military Affairs.

Also, a bill (H. R. 3265) to correct the military record of Fred Peterson; to the Committee on Military Affairs.

Also, a bill (H. R. 3266) for the relief of Patrick Joseph Pierson; to the Committee on Naval Affairs.

Also, a bill (H. R. 3267) for the relief of Theodore Reynders; to the Committee on Naval Affairs.

Also, a bill (H. R. 3268) to provide for the advancement on the retired list of the Army of Maj. Andrew Summers Rowan; to the Committee on Military Affairs.

Also, a bill (H. R. 3269) to renew and extend certain letters patent to Rosa Schoenholz; to the Committee on Patents.

Also, a bill (H. R. 3270) for the relief of Charles Trudell; to the Committee on Claims.

Also, a bill (H. R. 3271) providing for the advancement of Michael Holub on the retired list of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 3272) granting a pension to David Jacobi; to the Committee on Pensions.

Also, a bill (H. R. 3273) to provide for the advancement on the retired list of the Navy of Frank G. Kutz; to the Committee on Naval Affairs.

Also, a bill (H. R. 3274) for the relief of John C. Lyon; to the Committee on Naval Affairs.

Also, a bill (H. R. 3275) to correct the military record of Thomas Mahoney; to the Committee on Naval Affairs.

Also, a bill (H. R. 3276) granting a pension to Joseph P. McGreal; to the Committee on Pensions.

Also, a bill (H. R. 3277) to allow the distinguished-service cross for service in the World War to be awarded to First Lieut. Royal R. Baronides; to the Committee on Military Affairs.

Also, a bill (H. R. 3278) granting an increase of pension to Bernard J. Boldemann; to the Committee on Pensions.

Also, a bill (H. R. 3279) for the relief of Augustus W. R. Berr; to the Committee on Claims.

Also, a bill (H. R. 3280) for the relief of John Bulotti; to the Committee on Claims.

Also, a bill (H. R. 3281) granting an increase of pension to Richard Burns; to the Committee on Pensions.

Also, a bill (H. R. 3282) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 3283) for the relief of Patrick Collum; to the Committee on Naval Affairs.

Also, a bill (H. R. 3284) to correct the military record of James William Cole; to the Committee on Military Affairs.

Also, a bill (H. R. 3285) granting a pension to Bertha Becker; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 3286) granting an increase of pension to Ella R. Crail; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 3287) granting a pension to Wake Shaver; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 3288) for the relief of John Ralston; to the Committee on Military Affairs.

Also, a bill (H. R. 3289) for the relief of Charles W. Bendure; to the Committee on Military Affairs.

Also, a bill (H. R. 3290) for the relief of Henry E. Thomas, alias Christopher Timmerman; to the Committee on Military Affairs.

By Mr. SMITH of West Virginia: A bill (H. R. 3291) granting a pension to Alice B. Cook; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 3292) granting a pension to Margaret S. Cof; to the Committee on Invalid Pensions.

By Mr. WOLFENDEN: A bill (H. R. 3293) granting a pension to Emma Sawyer; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

492. By Mr. BAIRD: Petition of members of the Philathea class of the First Baptist Church, Sandusky, Ohio, requesting that conditions under which many of the Indian wards of the Nation are compelled to live be remedied by Congress; to the Committee on Indian Affairs.

493. By Mr. CARTER of California: Petition of the Bay Cities Veterans Old Age Welfare Workers, urging the passage of legislation increasing pensions of veterans of the Civil War; to the Committee on Invalid Pensions.

494. By Mr. ENGLEBRIGHT: Resolution of the Rice W. Means Camp, No. 102, Department of California, United Spanish War Veterans, indorsing House bill 14676; to the Committee on Pensions.

495. By Mr. ROBINSON of Iowa: Resolution of the American Swiss Club, of Dubuque, Iowa, signed by the president, Fred J. Heer, and secretary, J. G. Moser, against the proposed quota restriction of immigrants from Switzerland; to the Committee on Immigration and Naturalization.

496. By Mr. SANDERS of Texas: Petition circulated and presented by patriotic societies and signed by numerous citizens of the United States, praying Congress not to emasculate the immigration act of 1924 by repealing or suspending national-origins provisions of that act, and asking that Mexico and Latin American countries be placed under the quota provisions of that act, and asking for additional deportation legislation; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, May 23, 1929

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. BROOKHART obtained the floor.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Iowa yield for that purpose?

Mr. BROOKHART. I yield.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Smith
Ashurst	Frazier	McKellar	Smoot
Barkley	George	McMaster	Steck
Bingham	Gillett	McNary	Steiwer
Black	Glenn	Metcalf	Stephens
Blaine	Goff	Moses	Swanson
Blease	Goldsborough	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Bratton	Hale	Nye	Townsend
Brookhart	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Burton	Hastings	Patterson	Tyson
Capper	Hatfield	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Connally	Hayden	Pittman	Walcott
Copeland	Hebert	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed	Walsh, Mont.
Cutting	Howell	Robinson, Ind.	Warren
Dale	Johnson	Sackett	Waterman
Deneen	Jones	Schall	Watson
Dill	Kean	Sheppard	Wheeler
Edge	Kendrick	Shortridge	
Fess	King	Simmons	

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present. The Senator from Iowa [Mr. BROOKHART] has the floor.

PUBLICATION OF PROCEEDINGS OF EXECUTIVE SESSION

Mr. NORRIS. Mr. President, I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. NORRIS. On yesterday the Senator from Pennsylvania [Mr. REED], from the Committee on Rules, reported a resolution. Was it laid over under the rule for one day?

The VICE PRESIDENT. The Chair is advised that it went to the calendar. The present occupant of the chair was not in the chair at the time.

Mr. NORRIS. I think under the rule it should have been laid on the table, but I make no objection because it went to the calendar.

The VICE PRESIDENT. The present occupant of the chair is advised that it was a report and therefore should go to the calendar.

Mr. NORRIS. I want to lodge a point of order against the report on the ground that the committee, not having anything referred to it, is without authority and without jurisdiction to make the report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 73) to amend the act entitled "An act to incorporate the American Hospital of Paris," approved January 30, 1913, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the concurrent resolution (S. Con. Res. 6) to provide for the printing of 2,000 additional copies of hearings on farm-relief legislation.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 73) to amend the act entitled "An act to incorporate the American Hospital of Paris," approved January 30, 1913, was read twice by its title and referred to the Committee on the Judiciary.

PRIVILEGES OF THE FLOOR OF THE SENATE

Mr. BINGHAM. Mr. President, I desire to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Under Rule XXXIII, to which reference was made yesterday by the Senator from Wisconsin [Mr. LA FOLLETTE], the clerks of Senators are given the privilege of the floor when in actual discharge of their official duties. The question I would like to ask is whether the Chair would rule that the clerk of a committee who had been given the duty of polling the committee should have the privilege of the floor for that purpose.

The VICE PRESIDENT. The Chair believes that the privilege applies to the clerk only when performing his official duty in connection with the Senator himself. If the present occupant of the chair were called upon to rule, he would so hold, because it might be a considerable inconvenience to Senators to be polled by the clerk of a committee on the floor of the Senate.

PETITIONS

Mr. GOLDSBOROUGH presented resolutions adopted by American Star Council, No. 13, Daughters of America, at Savage, Md., favoring the retention of the national-origins clause in the immigration law, which were referred to the Committee on Immigration.

Mr. VANDENBERG presented the following resolutions of the House of Representatives of the State of Michigan, which were referred to the Committee on Finance:

HOUSE OF REPRESENTATIVES,
MICHIGAN, 1929-30.

House Resolution No. 29

A resolution memorializing Congress to amend the Federal income-tax law so as to provide for the downward revision

Whereas for the past 16 years there has been, and is yet, in full force and effect a Federal tax which levies an assessment upon the incomes of citizens and corporations; and

Whereas Congress, in the exercise of its legislative discretion has justly and wisely deemed it equitable to grant to business interests and vested capital liberal deductions from gross incomes in the form of allowances for depreciation and depletion; and

Whereas it is an indisputable fact that the earning power of the wage-earner and professional class generally diminishes with advancing age and is, as well, ever subject to the exigencies of ill health and depressed economic conditions; and

Whereas no allowance whatsoever has been provided under the law for depletion and deterioration of physical and mental strength; and

Whereas the cost of living has within recent years increased to a degree far in excess of any parallel increase in the income of those compelled to rely exclusively on the fruits of their physical efforts and personal services for their livelihood; and

Whereas the United States Treasury Department reports an estimated increase of over \$18,000,000 in the Federal income-tax receipts for the current year over that of the preceding year; and

Whereas the Hearst newspapers throughout the United States have initiated an educational campaign directing public attention to the discriminatory distinctions for taxation purposes between income derived from personal and professional services and that secured solely through investments; and

Whereas this movement has met with such popular applause and spontaneous approval from millions of American working men and women and from the press and public-spirited citizenry generally as to create a genuine and nation-wide demand for relief from the unjust burden resting heavily on incomes dependent entirely upon personal effort and good health: Now, therefore, be it

Resolved by the house of representatives, That Congress be, and is hereby, memorialized to amend the Federal income-tax law so as to provide for the downward revision of taxation on earned incomes and to equalize as far as possible the burden of taxation; and be it further

Resolved, That a copy of this resolution be sent to the President, the Hon. Herbert C. Hoover, to the President of the United States Senate, to the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress from the State of Michigan.

Passed the house March 25.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TYSON:

A bill (S. 1238) to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army; to the Committee on Military Affairs.

By Mr. BURTON:

A bill (S. 1239) granting an increase of pension to Anna L. Green (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 1240) granting an increase of pension to Caroline Whittekind (with accompanying papers);

A bill (S. 1241) granting a pension to Sue Wooldridge Munn (with accompanying papers); and

A bill (S. 1242) granting an increase of pension to Susan C. McGuire (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 1243) for the relief of the Western Electric Co. (Inc.) (with accompanying papers); to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1244) for the relief of Capt. Christian Damson; to the Committee on Claims.

A bill (S. 1245) granting six months' pay to Marjory Virginia Watson; to the Committee on Military Affairs.

By Mr. TYDINGS:

A bill (S. 1246) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920," approved July 3, 1926; to the Committee on Civil Service.

By Mr. GOLDSBOROUGH:

A bill (S. 1249) for the relief of Daniel S. Schaffer Co. (Inc.); and

A bill (S. 1250) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md. (with an accompanying paper); to the Committee on Claims.

By Mr. HOWELL:

A bill (S. 1251) for the relief of the Ayer & Lord Tie Co. (Inc.);

A bill (S. 1252) for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased;

A bill (S. 1253) for the relief of Clyde H. Tavenner (with accompanying papers);

A bill (S. 1254) for the relief of Kremer & Hog, a partnership (with accompanying papers);

A bill (S. 1255) for the relief of the Gulf Refining Co. (with accompanying papers);

A bill (S. 1256) for the relief of the Federation Bank & Trust Co., New York, N. Y. (with accompanying papers); and

A bill (S. 1257) for the relief of the Beaver Valley Milling Co. (with accompanying papers); to the Committee on Claims.

By Mr. McMASTER:

A joint resolution (S. J. Res. 44) authorizing the establishment of an agricultural products experiment station in the State of South Dakota; to the Committee on Agriculture and Forestry.

INTEREST RATES AND CREDITS

Mr. THOMAS of Oklahoma. Mr. President, I submit a simple Senate resolution, which I ask may be read and lie upon the table.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read the resolution (S. Res. 67), as follows:

Whereas the existing unsettled conditions relating to interest rates and credits is causing widespread criticism and great damage to the country: Therefore be it

Resolved, That the Federal Reserve Board is hereby directed to advise the Senate what action it has taken or proposes to take to remedy such situation.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. THOMAS of Oklahoma. In connection with the resolution submitted by me, I ask leave to introduce a bill, and I ask that the title be read and that the bill be printed in full in the RECORD, and then be referred to the Committee on Banking and Currency.

The bill (S. 1247) fixing and establishing the legal and contract rates of interest between persons, firms, associations, and corporations when residents of different States, and prescribing penalties, was read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc.—

SECTION 1. The legal rate of interest shall not exceed 6 per cent per annum in the absence of any contract as to the rate of interest, and by contract parties may agree upon any rate not to exceed 10 per cent per annum. Said rates of 6 and 10 per cent shall be, respectively, the legal rate and the maximum contract rates of interest: *Provided*, That the provisions of this section shall apply only to contracts made between persons, firms, associations, and corporations when residents of different States.

SEC. 2. The taking, receiving, reserving, or charging a greater rate of interest than is provided by the preceding section shall be deemed a forfeiture of twice the amount of interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover from the person, firm, association, or corporation taking or receiving the same in an action in the nature of an action of debt twice the amount of the entire interest paid: *Provided*, That such action shall be brought within two years after the maturity of such usurious contract: *Provided further*, That when any suit is brought upon any note, bill, or other evidence of indebtedness or to foreclose any mortgage or lien given to secure such indebtedness when a greater rate of interest has been collected, reserved, charged, or received than is provided for in this act, the defendant or his legal representative may plead as a set-off or counterclaim in said action twice the amount of the entire interest collected, reserved, charged, or received in said transaction, or in all such transactions between the same parties.

SEC. 3. In all cases where an action is brought by any person to recover the penalty prescribed by the preceding section the prevailing party in such action shall be entitled to recover, as part of the costs, a judgment against the other party to such action for a reasonable attorney's fee, to be fixed by the court, for the use and benefit of the attorney of record of the prevailing party, together with all costs.

SEC. 4. Any legal rate of interest stipulated by a contract remains chargeable after a breach thereof, as before, until the contract is superseded by a verdict or other new obligation.

NATIONAL HIGHWAY SYSTEM

Mr. BROOKHART. Mr. President, some of the most important economic events that ever happened in our history have happened in the last few weeks. Interest rates in New York have risen as high as 20 per cent. When interest rates are so high as that it is a conclusive proof that we do not have enough circulating medium in our country.

In addition to that, the Supreme Court of the United States has rendered a decision upon a phase of the railroad question which some have interpreted will increase railroad rates by \$2,000,000,000 per year. I myself do not place that interpretation upon the decision; in fact, I believe it gives Congress authority to amend the transportation act and prevent an increase of railroad rates. But these are two ominous events, especially to the agricultural interests of the United States. Mr. Henry Ford, the greatest industrialist in the history of the world, has pointed out a method of meeting some of these questions. I desire to read his statement, and I shall then introduce

a bill for the construction of a national road system in the United States that will have an important bearing upon this proposition. I quote from Mr. Arthur Brisbane in his syndicated column. He states:

Henry Ford has an idea for Government financing that may interest you.

"Respectable" bankers will call it Bolshevism and anarchy, worse than Trotsky's. However, respectable livery-stable men once called Ford's "gas buggy" outrageous nonsense. Nevertheless the buggy runs better than it did when a horse pulled it.

Ford wonders why Government creates banks, prints money, then pays the banks for lending the Government some of its own money, valueless except for the Nation's credit.

It's like a father borrowing from his infant child.

Having made a billion or two, keeping on hand a few hundred millions in cash always, Ford is entitled to his opinion on money, even if you disagree with him.

Ford talks to you now from My Philosophy of Industry, just published in New York by Coward-McCann (Inc.)

I now read the quotation from Mr. Ford himself:

Take the money question, for example. Suppose we in the United States find ourselves with some public-improvement work to do, the development of some of our natural resources.

The usual way the Government sets about doing this sort of thing is to issue bonds—say for 30 years—and to sell them to the highest bidder. Then they go ahead and hire workmen to do the job, pay them with the money received from the proceeds of the sale of bonds, and then at the end of 30 years pay back the bondholders, together with interest.

What happens in the process?

In the first place, what makes the bonds valuable? Why are people willing to buy them?

Well, because the United States Government stands behind them; in other words, the Government is putting up security for its own loans, and the security which it puts up is nothing more nor less than the energy of wealth in its most productive form, i. e., natural resources.

It is the best security in the world, security that survives the wrecks of banks and treasuries.

So, then, if we start with a security which is unquestioned and which the people are willing to accept as collateral for the bonds issued, why should we go through the complicated and unnecessary process of paying 120 per cent interest—4 per cent for 30 years equals 120 per cent—out of our own pocket to somebody else for the privilege of getting \$30,000,000 which, in reality, we already own?

Take a piece of paper and a pencil and figure it out for yourself. Suppose we borrow \$30,000,000 and pay 120 per cent interest, we literally have to pay \$66,000,000 for the use of the \$30,000,000.

That is, we pay \$30,000,000 for the public improvement and \$36,000,000 for the loan. And it was the Government's own money to begin with! It seems like a very childish and unbusinesslike method.

Now, here is a way I see by which our Government can get great work completed on a less complicated plan. It is a sound way, but there is one thing hard about it; it is so simple and easy that maybe some people can't see it.

Suppose, for example, we desire to relieve unemployment by carrying on some necessary public improvement, and to do this the Government needs \$30,000,000. That's a million and a half 20-dollar bills, or three million 10-dollar bills.

The Government can issue these against the value of the thing in prospect and with them pay every expense in connection with the work, then put the plant in operation and out of its earnings retire the entire \$30,000,000 worth of currency which has been issued. Economists no longer question that method of doing things. Indeed, it looks as if financial engineering will come round to something very like it. We shall see great improvement when we apply engineering methods to finance.

Mr. President, after a careful review of this theory it seems to me that it is sound; and, based upon that theory, I have prepared a bill for the construction of a national highway system. Former Senator du Pont, of Delaware, himself introduced a bill somewhat along this line, and I understand that his successor, the Senator from Delaware [Mr. HASTINGS], has reintroduced that bill. I think Mr. Ford goes farther and has a more simple and direct way of financing this project, and I have followed Mr. Ford's idea in that respect.

I want to build a system of public highways with one line from the Great Lakes to a point on the Pacific Ocean in the State of Oregon; another line from Portland, Me., to Seattle, Wash., by way of Chicago; another from Boston, Mass., to San Francisco by way of St. Louis, Mo.; another from New York to Los Angeles, Calif.; one from Washington, D. C., via Richmond, Va., through the States of Tennessee and Arkansas to a point in Oklahoma; one from New York City to Jacksonville, Fla., following near the coast of the Atlantic Ocean so far as practical, and from that point on to Brownsville, Tex., follow-

ing near the coast of the Gulf of Mexico so far as practicable, with a branch line south through the State of Florida; one from the western terminal No. 1, which would be in Oregon, to Los Angeles, Calif., following the coast of the Pacific Ocean so far as practicable; and also other highways from a point not less than 10 nor more than 20 miles from the capital of each State to the most accessible main national highway. The bill also provides that highways Nos. 2, 3, 4, and 6, to which I have referred, be connected with the National Capital at Washington.

This system, roughly, would mean 25,000 miles of highway. I have estimated that it would cost \$80,000 a mile to build roads which would carry the heaviest traffic, especially to carry truck trains. If our railroad rates are to be increased in this country, we especially need a system of highways of that kind, and we need it now.

I have provided in the bill that—

The cost of carrying out the purposes of this act shall be paid by the Secretary of the Treasury, upon requisition of the Secretary of Agriculture, with United States notes. The Secretary of the Treasury is authorized and directed to issue such United States notes, from time to time, as necessary, in amounts not to exceed a total of \$2,000,000,000, in addition to the amount now authorized by law.

I will say there are now \$346,000,000 of such United States notes. They have been existing since the Civil War, and the new issue would be in addition to them and backed up by this property.

Two billion dollars is a small amount to put into a competitive freight line in the United States, with a railroad system that will be valued at \$40,000,000,000 if the high value shall be put upon it which some consider the decision of the Supreme Court will make possible. Then I have further provided that—

The Bureau of Public Roads is authorized to establish a system of licenses or tolls for the maintenance of said roads and the redemption of said United States notes at rates that will accomplish such redemption in not more than 30 years nor less than 20 years.

There will be no interest to pay during that time. Mr. Ford's idea will be carried out, and the roads will be worth the money, and a good deal more than the money, to the whole country. It will be a financial benefit to every legitimate business in the country, and it will produce a circulating medium that will to some extent help to reduce the enormous and oppressive interest rate that has been built up by the financial crowd in New York.

Mr. President, I desire to introduce the bill for appropriate reference.

The VICE PRESIDENT. The bill will be received and referred. The Chair desires to state that the bill could properly be referred to either the Committee on Post Offices and Post Roads or the Committee on Agriculture and Forestry.

Mr. BROOKHART. I ask to have it go to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. If there is no objection, that reference will be made.

The bill (S. 1248) to provide for the construction of certain national highways was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. HEFLIN obtained the floor.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. SIMMONS. Before the Senator begins, will he permit me to make an inquiry of the Senator from Iowa?

Mr. HEFLIN. Yes; if it will take but a minute.

Mr. SIMMONS. Just a moment.

Some time ago I read quite an extensive account of the scheme that Lloyd George is presenting to-day to the English electorate as an efficient means of remedying the unemployment situation in Great Britain. I desire to ask the Senator if his scheme, as embraced in the proposed bill, is for the purpose of putting an end to unemployment in this country or reducing it?

Mr. BROOKHART. It would certainly reduce unemployment; but, of course, the big purpose I have in view is to get a circulating medium here that will prevent a 20 per cent interest rate against us, on the one hand, and provide a competing freight line to the railroads on the other.

Mr. SIMMONS. Yes; I understood that one of the Senator's objects was to inaugurate a competitive system of transportation, and in that way to reduce railroad rates, particularly if they are raised up a little higher as a result of the late decision of the Supreme Court. I can understand how the Senator's measure would, if enacted, first reduce unemployment, and secondly curb excessive freight rates; but I am not advised

as to how his amendment would increase the circulating medium. I see that it might put more money into circulation, provided the money is here; but I understood the Senator's fundamental theory to be that there is not sufficient money in the country, and that this bill would provide a method of increasing the amount of money. I can see how it would increase its circulation if the money is here; but in what way and how much does it increase the amount of the circulating medium?

Mr. BROOKHART. It increases it by \$2,000,000,000 ultimately. We provide for the payment of the construction of these roads with Treasury notes.

Mr. SIMMONS. That is what I wanted to ascertain. The Senator's proposition, then, is that the Government is to issue \$2,000,000,000 in notes?

Mr. BROOKHART. Yes.

Mr. SIMMONS. Which will take the place of money?

Mr. BROOKHART. That is correct.

Mr. SIMMONS. That is what I thought.

Mr. BROOKHART. That would have a tendency to reduce the interest rate in accordance with the law of supply and demand which the Wall Street crowd themselves always proclaim.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (S. 15) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, which, with the accompanying paper, was referred to the Committee on Civil Service and ordered to be printed.

AMENDMENT TO CENSUS AND APPORTIONMENT BILL

Mr. WAGNER submitted an amendment intended to be proposed by him to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which was ordered to lie on the table and to be printed.

AMENDMENT OF RULE XXXIII

Mr. LA FOLLETTE. Mr. President, I send to the desk a resolution, which I ask may be read and then go over under the rule.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 66), as follows:

Resolved, That Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

Two representatives each of the Associated Press, the United Press, and the International News Service, not more than one representative of each such press association to be on the floor at one time; one representative of the Universal Service.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. SHORTRIDGE. Mr. President, I rise to submit an inquiry to the Senator from Wisconsin. I suggest that the Senator take into consideration that there may be other news agencies or associations formed hereafter, and that if the rule referred to is to be amended in the way suggested his resolution might well be a little broader so as to include associations hereafter organized.

Mr. LA FOLLETTE. May I say in reply to the suggestion made by the Senator from California that my purpose in offering the amendment to the rule is to place the matter in the hands of the Senate, where it would be subject to change by the Senate and by the Senate alone. The rule if amended, as proposed, would give the same privileges to representatives of the press associations that they previously enjoyed under the pleasure of the Committee on Rules.

Mr. SHORTRIDGE. I appreciate that.

Mr. LA FOLLETTE. If the situation should develop, as the Senator from California suggests, and any other news association of similar importance were to be organized, it would be a very simple matter for the Senate to amend Rule XXXIII to permit a representative of that association to have the privileges of the floor.

Mr. SHORTRIDGE. But it would be necessary further to amend the rule.

Mr. LA FOLLETTE. Certainly.

Mr. SHORTRIDGE. I merely suggested that the Senator could frame his proposed amendment in such form as to bring such a new association under the rule as it may be amended.

Mr. LA FOLLETTE. My purpose, Mr. President, is to take the granting of the privilege of the floor out of the discretion of some Senator or group of Senators and place it in the rule, so that it will be administered without discrimination.

SECRET AND OPEN SESSIONS OF THE SENATE

Mr. BARKLEY. I ask unanimous consent that the clerk may read from the desk a letter from the editor of the Capital Times, of Madison, Wis., concerning secret and open sessions of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

THE CAPITAL TIMES,
Madison, Wis., May 20, 1929.

HON. ALBEN W. BARKLEY,
Senate Office Building, Washington, D. C.

DEAR SIR: Under separate cover I am sending you a copy of the Capital Times of Sunday, May 19, which contains the roll call of the Senate taken in executive session last Friday on the confirmation of Irvine L. Lenroot as judge of the United States Court of Customs Appeals. The roll call will be found on page 5 of this issue.

I am sending you this roll call to show how futile it is for the Members of the United States Senate to retire behind closed doors in an effort to withhold from the public full and complete information to which the people are entitled.

Although the Capital Times is published hundreds of miles away from the National Capital, I had no difficulty whatever in obtaining the secret roll call. I am printing it as a public service, because I believe the people of Wisconsin are entitled to know how their representatives voted on an important public question.

I hope that continued publicity for these secret roll calls will eventually compel the United States Senate to transact its business out in the open, in order that the people may have full access to the deliberations of your important body. The increasing recourse to the secret session on the part of Senators who have not the backbone to meet public questions openly should be denounced by the American press as a practice which is vicious and subversive of the public good.

The Capital Times will continue to print these secret roll calls in the future.

Very truly yours,

WILLIAM T. EVJUE, Editor.

Mr. CARAWAY. Mr. President, in reference to the letter from the editor of some paper in Wisconsin which nobody ever heard of until he disclosed the fact that he owns it, I merely wish to say that he seems to rejoice that there are thieves and liars and he is in touch with them. I presume he has a right to choose his company.

Mr. BLEASE. Mr. President, I ask that there be printed in the RECORD, following the letter which the Senator from Kentucky [Mr. BARKLEY] has just had read, an article from the same newspaper, which is headed "Lenroot Confirmed Behind Closed Doors," and I request Senators who would like to be insulted to read it. I have not asked that the article be read, as I did not care to take up the time of the Senator from Iowa.

Mr. BROOKHART. I do not care to yield for the reading of a long article.

Mr. BLEASE. It is not very long, but I did not care to take the time of the Senator from Iowa. That is the reason why I asked that it be printed in the RECORD.

The VICE PRESIDENT. The Senator from South Carolina asks that the article be printed in the RECORD, and, without objection, that order will be made.

The article is as follows:

[From the Capital Times, Madison, Wis., May 19, 1929]

LENROOT CONFIRMED BEHIND CLOSED DOORS

After a bitter battle the old guard has finally succeeded in taking care of one of Washington's best-known lame ducks—Irvine L. Lenroot, of Wisconsin. Fighting tenaciously to keep the Senate behind closed doors while the bargain was being consummated, confirmation of the Lenroot appointment to a place on the United States Court of Customs Appeals was finally effected by a vote of 42 to 27.

Reports from Washington indicate that the old guard viewed with alarm the proposal to have Lenroot's qualifications for the job aired out in the open. For an administration which has been given such lily-white certification as Hoover's it would be quite embarrassing to have publicity beating down and revealing a Hoover appointment smeared with Teapot Dome and Power Trust affiliations. Wasn't Hoover sold to the country last fall as a finer and more ennobling influence in the American political picture? Wasn't it said that the old political hacks, lame ducks, and professional politicians could not expect much from the superman with the passion of an engineer for getting things done who would want the best for public service? To date Hoover has reached into Wisconsin and picked Lenroot, Tittemore, Rawlinson, and McMahon—all chosen in payment for political services rendered and not for any qualifications for the jobs.

That fine old manipulator, Vice President Curtis, came to the rescue of the old guard yesterday when the G. O. P. Senators found themselves in a hole. WATSON, SMOOT, and the old guard crew feared

the effect of the speeches which would be made against Lenroot in open session. They shivered over the prospects of a review of Lenroot's visit to Fall during the Teapot Dome blow-up and the \$20,000 Power Trust retainer. The game is to make the country believe that Teapot Dome is now water under the mill and that Hoover doesn't countenance such things. And so there was consternation when Senator BLACK moved that the Lenroot confirmation be considered in open session of the Senate. The vote was 38 to 36 in favor of such a proposal. Then Curtis saved the day. He ruled that a two-thirds vote was necessary to open the doors. Unable to muster this strength, those opposing the Lenroot confirmation were locked up and their lips sealed. Small wonder that progressives of the type of BORAH, BROOKHART, NYE, FRAZIER, and HOWELL, supporters of Hoover in the last campaign, are gradually falling away from the administration as time enlarges the perspective on the present régime. Hoover has already demonstrated that he is quite as much the tool of the powerfully entrenched industrial and financial autocrats as were Harding and Coolidge. There are already signs that Hoover will pack the judiciary with the willing servants of these interests. He has shown no desire to render more than the usual lip service toward agricultural relief. The tariff barons are in Washington jubilant and expectant over the prospect of putting over one of the greatest robber tariffs in the history of the country.

Wouldn't it be fine if the whole Hoover administration could be carried on behind closed doors? It would save so much embarrassment and annoyance.

SENATE MISSISSIPPI ENGINEERING ADVISORY BOARD

Mr. FRAZIER submitted the following resolution (S. Res. 69), which was ordered to lie on the table:

Senate Resolution 69

Whereas the attempts of the United States Army engineers for the last century to control floods in the Mississippi Valley have resulted in but one disastrous failure after another; and

Whereas with such a record, and with the following condemnatory report made by the Flood Control Committee of the House of Representatives upon the Jadwin plan before its adoption by the Seventieth Congress, it seems almost incredible that said Congress should have voted about \$300,000,000 to be expended upon that plan; and

Whereas the following are verbatim quotations from the aforesaid report upon the Jadwin plan, which was submitted to the Seventieth Congress before it adopted said plan, by the Hon. FRANK R. REID, of Illinois, chairman of the Committee on Flood Control of the House of Representatives (to accompany H. R. 8219), March 29, 1928 (p. 16):

"ENGINEERING FALLACIES OF JADWIN PLAN"

"(1) That it is lacking in engineering details and has not a sufficient factor of safety; (2) that it uses new and untried methods in the diversion of the flood waters; (3) that the 'fuse-plug' levees will not work and disaster will result; and (4) generally that it is not dependable and is not feasible from an engineering standpoint. The committee did not believe it probable that so many eminent engineers could all be wrong and therefore refused to adopt the Jadwin plan as the project for the flood-control work.

"Instead of the Jadwin plan, if adopted by Congress, providing protection from the floods for the lower Mississippi Valley it might result in the recurrence of a disaster like that of 1927."

And

Whereas notwithstanding the above report from the only committee in Congress devoted exclusively to flood control, its advice was not accepted by the Seventieth Congress and a bill was rushed through the Senate practically without debate, which, after material change in conference, on May 15, 1928, was approved by the President; and

Whereas it seems to be the unanimous opinion of engineers in the United States (except General Jadwin and some other Army engineers) that the adopted Jadwin plan is an engineering disgrace, which, if carried out, will involve enormous initial cost; make more than 6,000,000 acres of land practically worthless, even if the Jadwin plan should meet his most sanguine representation; entail perpetual expense; bring catastrophe unprecedented; and perpetuate in a monument of mud 1,000 miles long the greatest mechanical monstrosity ever authorized by the government of a nation; and

Whereas after the perpetual failure of the Army engineers to control floods in the Mississippi River, after the report of the Flood Control Committee of the House of Representatives aforesaid, and after the manner in which the civilian engineers of the country were excluded from participation in determining the plan for flood control to be pursued, it is the opinion of many Senators that a board of disinterested civilian engineers of great attainments and experience should be called to express an opinion upon the adopted Jadwin plan, and, provided their decision is unfavorable, to determine upon some other plan, which in their judgment shall be better, and submit such plan to the Senate; and

Whereas at least one of the projects that the proposed board would be expected to consider is the Riker Mississippi spillway project, which vitally concerns the three Senate committees whose chairmen are to appoint the board—the chairman of the Committee on Commerce because

his committee specifically represents the subject of flood control, the chairman of the Interstate Commerce Committee because his committee specifically represents the subject of interstate commerce, in which it will create a revolution, and the chairman of the Committee on Agriculture and Forestry, because it will greatly reduce transportation costs, both foreign and domestic, in which his committee is vitally interested, all of which subjects would be beneficially affected by the Riker project should it be adopted; and

Whereas although the employment of the proposed Senate Mississippi engineering advisory board will undoubtedly necessitate a considerable expense, such a board is recommended by 20,000 engineers, and among them many of the foremost, who specifically state that the vital importance of the subject would more than justify it; and many Senators have even more forcibly expressed themselves in recommending it; and

Whereas, should there be a disposition upon the part of the Senate to economize by refusing the needed appropriation, it should be borne in mind that when the Riker Mississippi spillway project was presented for hearing before the Commerce Committee of the Senate Mr. Riker proposed that the Senate should bear the expense of a model of his project (\$6,000), to which Senator Jones demurred, and that then Mr. Riker, being so sure of his ground, expended upward of \$10,000 of his own money in its construction, and this model is now operating in the basement of the Senate Office Building, illustrating the Riker Mississippi spillway project; and

Whereas it should also be borne in mind that a report of the Chief of Engineers of the United States Army in 1888 showed that Mr. Riker saved this Government nearly \$1,000,000 in the filling of the mud flats, making what is now known as Hains Point, the fashionable speedway of the Nation's Capital, and figuring the amount saved to be but one-half this sum, with the interest at 5 per cent compounded, the amount would now represent a total saving to the United States Government of more than \$4,000,000: Now, therefore, be it

Resolved, That there is hereby established a board to be known as the Senate Mississippi engineering advisory board, which shall be appointed, acting jointly, by the chairmen of the Committees on Commerce, Interstate Commerce, and Agriculture and Forestry; said chairmen shall have the authority to fix the compensation of the members of said board and to remove or replace at any time a member thereof. The said board shall submit a report to each of the said committees, and each committee shall transmit to the Senate the said report with their findings thereon.

The said board shall be composed of 11 members, who shall be nominated as follows: 1, a financial economist, by the President of the Senate; 2 Army engineers by the chairman of the Committee on Commerce; 2 civilian engineers by the chairman of the Committee on Interstate Commerce; 2 civilian engineers by the chairman of the Committee on Agriculture and Forestry; 2 civilian engineers by the American Society of Civil Engineers; and 2 civilian engineers by the American Society of Mechanical Engineers.

The 11 members shall be qualified as follows: 1 member shall be an expert financial economist; 2 shall be Army engineers; and 8, each of whom shall be a distinguished civilian engineer of great attainment and experience, to be selected from as many of the following engineering classifications as practicable: Civil, mechanical, electrical, contracting, structural concrete, foundation, locks, dams, dredging, hydraulic, or marine construction.

The board shall elect its own chairman and select and determine upon the compensation of its employees, and it is authorized to summon before it such witnesses as it may deem necessary.

SEC. 2. It shall be the duty of the board (1) to investigate the feasibility of the Jadwin plan adopted by the Seventieth Congress and such other plans for the control and utilization of the Mississippi River, and such ramifications relating thereto, as it shall deem advisable, specifically deep-water navigation from the Gulf to Cairo; and (2) to determine upon the best comprehensive project or projects for the control and utilization of the Mississippi River and such ramifications. The report of the board shall include the results of its investigations under this resolution, together with a statement of the estimated cost of, and the probable benefits and revenue to be derived from, the project or projects so determined upon, and recommended by the board, and the estimated time required for the construction of such project or projects. The first hearing of the board shall be held as soon as possible after the approval of this resolution.

SEC. 3. The expenses of the board in carrying out the purposes of this resolution, which shall not exceed \$100,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairmen of the aforesaid committees.

THE DISARMAMENT QUESTION

Mr. BORAH. Mr. President, I desire to have printed in the RECORD an editorial from the Manchester Guardian on the disarmament question.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

[From the Manchester Guardian, Wednesday, May 8, 1929]

THE FIGHT FOR PEACE

The victorious continental powers have had more than 10 years to disarm, but they have not begun, they have not even made up their minds on the general methods that must be accepted before there can be any serious discussion of disarmament. When the war came to an end and the Germans were disarmed, there was a world-wide hope that all armies and armaments would be reduced. A triple promise was given by the governments of the victorious powers that this hope would be fulfilled—a promise embodied in the league covenant, in the body of the peace treaties, and in the explanatory letter written by M. Clemenceau on behalf of the then allied and associated powers on June 16, 1919. (As this letter is too often ignored, its essential and unmistakable purpose deserves to be reemphasized. It declares that "the disarmament of Germany also constitutes the first step toward that general reduction and limitation of armaments which it would be one of the first duties of the League of Nations to urge.") But the triple promise has not been kept, the league has failed in "one of its first duties," and the world-wide hope has been disappointed. Some little progress has been made in naval disarmament (though not through any action taken by the league), but there has not even been a plenary conference on land disarmament. The preparatory commission was formed to clear the way for such a conference. It held its first meeting three years ago. It has now held the sixth, and has achieved absolutely nothing.

On none of the principles essential to land disarmament has there been any agreement whatever. The armies and armaments of the victorious continental powers grow more and more formidable, and the overwhelming military preponderance by which they maintain the armed peace has not been mitigated at all. So far from being promoted land disarmament has been tenaciously resisted, precisely because Europe is divided into victors and vanquished, a division perpetuated by the permanent menace of war. All the amenities of the meeting that has now come to an end, all the talk about a "conciliatory atmosphere" and "spirit of friendliness" can not conceal this fact. Not only were the discussions charged with ill feeling, but once at least the underlying reality emerged. Thus when the German representatives proposed that aerial bombardments should be prohibited, the French representative objected to the proposal because it would tend to universalize the disarmament clauses of the peace treaties. That is to say, it would tend to fulfill the promise given on behalf of the victorious powers by M. Clemenceau. In other words, any kind of real disarmament would eliminate the difference between victors and vanquished—we may consequently talk about disarmament and may accept all kinds of suggestions that would impose unessential restrictions on future belligerents, but we must not, for heaven's sake, do anything that might make disarmament a reality.

If Great Britain and the United States believed that by sacrificing one principle they could save others, they were thoroughly mistaken. Nothing whatever has been saved by their decision to accept the French claim that trained reserves should not be limited. The preparatory commission has ended in a failure to limit war material, either directly or indirectly, by restricted budgetary expenditure. There has been no agreement on limitation of any kind or, indeed, on anything except that military budgets should be published. As all the powers publish their military budgets already, there does not seem to be any particular merit in this agreement. One would have thought that three years of discussion amongst 20 or 30 powers could have produced something better than this. It is perfectly clear that the league will remain incapable of promoting disarmament so long as, like the whole European continent, it is paralyzed by the tension between victors and vanquished. What, then, is to be done? Europe can not be pacified until this tension is relaxed and until the armed peace is converted into a real peace. But the betrayal of principles, the complaisance, the "conciliatory atmospheres," and the abandonment of the weak to gratify the strong will achieve nothing. Great Britain and the United States, having begun naval disarmament, are well able to stand firmly by every principle essential to land disarmament. Such a stand may lead to a deadlock, but so has the present method of vacillation and opportunism. And such a deadlock would at least show who are the real wreckers of disarmament and therefore of universal peace. Once they are revealed to the world there will be many effective ways of dealing with them.

THE PROHIBITION QUESTION

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Francis King Carey appearing in Freedom for May, 1929. Mr. Carey was a supporter of Mr. Hoover and a believer in the eighteenth amendment. He has written a very short article on the subject of prohibition, which is very timely, and I commend it to the attention of everyone.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Freedom, May, 1929]

AN APPEAL TO YOUTH TO SOLVE THE PROBLEM OF PROHIBITION

By Francis King Carey

(This article by Mr. Francis King Carey, president of the National Sugar Manufacturing Co. of Colorado and a member of the Baltimore bar, caused so much comment when published in the Baltimore Sun that Freedom asked him for permission to reprint it. Mr. Carey's views did not win the approval of the extreme wets or the extreme drys. The wets called him "dry" and the drys called him "wet." However, the article did appeal to the people who will settle this question of prohibition—that is, the great mass of people who take the middle of the road and try to decide questions on their merit.)

This article of Mr. Carey's, moderate in tone as it is, is a far more blasting indictment of prohibition than any vituperative and excited statement that might be made. It shows that public opinion is swinging around, if it has not already done so, and that the people are becoming disgusted and ready for a change.

In an editorial commenting on Mr. Carey's views the Baltimore Sun said:

"The views upon prohibition enforcement and the necessity of modification, expressed by Mr. Francis King Carey in the Sun, merit serious consideration, especially on the part of those who have adopted an uncompromising attitude in this national dispute. Mr. Carey, like President Hoover, looks upon the eighteenth amendment as a 'noble experiment' and wants it to succeed. He remembers the conditions of the past and does not want them to return. But he sees grave abuses in the present system, and feels the imperative necessity of correcting them.

"It is on this last point, one fears, that Mr. Carey is unlike Mr. Hoover. For, as far as the uninformed and innocent bystander is able to judge, Mr. Hoover has set out to correct the admitted abuses by shutting his eyes to them. To date he has given no sign of understanding that, if the Jones law and other oppressive measures merely embitter the present controversy, they will get nowhere. Cotton Mather sought to stamp out witchcraft by increasing the penalties for convicted witches. He would have regarded suggestions of modification of the official view of witchcraft as a seduction of the devil. We are familiar with the madness which lay across his path.

"When there is such wide dispute among the population over the justice of a law, it must be obvious that some steps are necessary to square the law with a wider public consent. Mr. Carey, seeing that these are more important than any cogs in mere legal machinery, proposes a solution which is not so far from that suggested by former Governor Smith in his campaign speeches. Even so, it suggests the solution to which Mr. Hoover, who was Mr. Carey's choice, will come when the futility of the present effort is finally demonstrated.")

We older men, drys and wets, have made rather a bad mess of the liquor question, each side with good and patriotic motives, so what would you think of turning the problem over to our younger men for settlement? I refer especially to our young men in the two last classes at our colleges and universities and to those who have graduated within the last few years, because they have had the problem before them in a very practical and definite way and because their opinions and influence could be very efficiently mobilized in every State of the Union, and for my own part I would have a great deal of confidence in the cross section of their judgment.

They are the sons of a class of our community of great influence and public spirit, which not only represent a public opinion, without the support of which the enforcement of any law becomes almost impossible, but they represent fathers and mothers and brothers and sisters, and it would seem reasonable to hope that as a body they would be but little likely to propose an amendment of the Volstead Act which would threaten the loss of what I personally believe have been great gains from the adoption of the eighteenth amendment.

While it is not pleasant to introduce the personal element into a discussion of this character, it is perhaps due to frankness to quote the following paragraphs from a statement which I published in a western newspaper in support of the election of Mr. Hoover:

"I believe, as Mr. Hoover does, that the American people embarked on a great experiment when they put the eighteenth amendment into their Constitution, and I adopt his own simple words when he said, 'I wish it to succeed.' I have always believed myself that the language of the eighteenth amendment was unwisely rigid and that the Volstead law can and should be liberalized, and that its liberalization would protect the three great triumphs of the prohibition movement, to which both wets and drys subscribe, namely:

"The destruction of the political saloon, financed by distillers and brewers—the old-time market of prostitution and crime; the establishment for all time by the American people of the determination that intoxicating beverages shall never again be made the subject of private profit; and a further determination that the day of whisky-controlled legislatures shall never again return. It seems a pity that our young men have never seen an old-time political saloon and have only the

faintest conception of the real public grievance at which the much-abused (and often justly abused) antisaloon movement aimed; but Bishop Manning, the head of the New York diocese of the Episcopal Church, was right when he assured his rich and fashionable congregation at the great Cathedral of St. John the Divine a couple of weeks ago that our young men could be depended upon eventually to protect these great triumphs.

"The election of November 6 will, I believe, give fresh evidence that the friends of temperance, whether they be radical or liberal drys and whether or not they believe as I do that the friends of temperance may have 'overspoken themselves,' will never trust either the enforcement or the liberalization of the existing liquor laws to any but those who, like Mr. Hoover, 'wish them to succeed.'"

Assuming that the 115,000,000 people of the United States are honestly divided about 50-50 in their attitude toward the Volstead Act, doesn't it seem sensible and fair to make an honest effort to compromise their views in the hope that a reasonable spirit of nation-wide cooperation could be established? A wild and bitter and wholly unconstructive controversy, which the Jones Act may make still wilder and more bitter and less constructive, gets nowhere.

From a practical standpoint isn't it possible that a compromise with the young man, which gave him his cheap and pure beer, and a compromise with the well-to-do people which allowed them to decorate their dinner tables with something more conventional than "pump water" and soft drinks, and a compromise with the workman which made it unnecessary for him to "bootleg" moonshine, and which adopted even more stringent measures for outlawing whisky, gin, and brandy, might get somewhere?

A lawyer hesitates to "talk law" on the subject, but I venture the suggestion that 115,000,000 people have the right to make and, if they wish it, change their definition of "intoxicating beverages."

If the Congress of the United States at the request of a definite public opinion elected to amend the Volstead Act so as to permit the sale under Government restrictions of beer and the lighter "still" wines because it classed them outside of "intoxicating beverages," either because it thought them not intoxicating in fact or because it did not think they were generally resorted to for intoxicating purposes, or because as related to the more dangerous "high-powered" beverages they were in a class by themselves—or "for any other reason why"—might not the Supreme Court hesitate to declare the amendment in violation of the constitutional inhibition?

It might be wise to avoid naming a permissible alcoholic content and substitute the actual classes of permissible beverages by name, including only those which normally contain from their process of manufacture a limited amount of alcohol or whose value is actually destroyed by excessive alcoholic content.

Before the adoption of the eighteenth amendment and the passage of the Volstead Act the United States Government put its engraved stamp on every gallon of whisky or beer which went to the public, and any counterfeit of that stamp was, of course, a penitentiary offense. Why would not a similar course in regard to the permitted beverages be a public protection against abuse? Surely, the United States Government would not be, by the proposed compromise, put as deeply into the liquor mess as it is to-day.

It would not seem difficult to so frame an amendment to the Volstead Act as to permit any State which still thought it best to attempt to force total abstinence upon its citizens to continue the attempt.

The "bootlegger" will be with us for "many moons"; but if people of substance and position withdraw a large part of their support and the good sportsmanship of the average American made the bootlegger a thing of a sinister and furtive character inhabiting dark places, his occupation would be less profitable and less safe than at present. He is now a holy and fashionable joy, and really an object of public sympathy and protection. At least, his relative merits would not be the main subject of social conversation.

I am not forgetting that the Volstead Act has for 10 years been training our people, especially our younger men and younger women, in whisky and gin drunkenness, and that it will take time to turn them again to the less harmful and relatively innocent beverages—but isn't it worth a brave experiment?

Nor am I forgetting that there would be some risks run of camouflaging hard liquor under the guise of the permitted beverages, but isn't the compromise worth the risk?

If the United States Government undertakes the single task of driving whisky, gin, and brandy out of the United States, it has a big enough job. If it will substitute for its hopeless effort to force total abstinence upon a people honestly divided in opinion, long before total abstinence is anything but an iridescent dream, an intelligent plan for packaging the relatively harmless beverages and guaranteeing their purity and limited alcoholic content by its old-time engraved stamp, which it would be simply recklessness to counterfeit, and by this process can establish a compromise which in the minds of decent people it would be rotten sportsmanship to flout, wouldn't we get somewhere?

At least it would seem folly not to make the trial!

MEMORIAL ADDRESS ON MARSHAL FOCH BY SENATOR TYSON

Mr. HARRIS. Mr. President, I ask to have printed in the RECORD a memorial address on Marshal Foch by the junior Senator from Tennessee [Mr. Tyson], delivered at Knoxville, Tenn., on May 12, 1929.

There being no objection, the address was ordered to be printed in the RECORD.

Senator Tyson spoke as follows:

Ladies and gentlemen and comrades of the World War, it is indeed fitting that we should assemble here to-day to do honor to the greatest soldier of the greatest war of all time.

On the morning of the 26th of March of this year I was awakened from profound slumber in my home in Washington by the distant boom of a great gun, as I thought, and then in a short time a second boom and then shortly another and then another and another.

As I counted boom after boom I realized that it was the funeral day of the great French general, the lamented Marshal Foch, who had passed away in far-away France a few days before, and that the sound I heard was the roar of the mighty guns at Fort Myer, 6 miles away; that the Army of the United States was paying the last honors to Marshal Foch by a salute of 21 guns, whose funeral services were being held that day in his native land in his beloved city of Paris.

My friends, how many memories came back to me on that morn as I lay there safe and sound in my peaceful bed.

I thought how, 12 years before, on the 6th day of April, America had declared war upon Germany and Austria and how the great hosts of America had gathered and been trained and finally sent 3,000 miles across the seas to fight in the greatest war of all the ages.

I thought of how our boys had gone forth from this State and this county and this town, and how many of them had laid down their lives in the service of their country and how many had come back maimed and crippled and gassed, and for whom life could never be much more than a living death.

But I rejoiced to feel that the great majority of them had returned safe and sound and were now enjoying the great blessings of peace and happiness and home.

And I thought of the wondrous experience we had had in being in that war—something that would always be an adventure and an experience that none others would have in a hundred years, if ever again, in the history of the world.

My comrades and friends, you will agree with me that the World War was the greatest catastrophe of all time and that it might have resulted disastrously for the Allies except for the genius of one man, and that man was Marshal Ferdinand Foch.

He was a typical Frenchman, and was born at Tarbes, in France, on October 2, 1851, and died on March 20, 1929. He was then 77 years old.

Marshal Foch was trained to be a soldier and was a soldier practically all of his life. At the age of 19 he enlisted for the Franco-Prussian War in 1870; returning from that war he attended the French military school called L'Ecole Polytechnique, where he graduated. He served through all the grades and was finally promoted to be a general of brigade in 1907, after having served his country as a soldier for 36 years.

He had been on duty for a long time as professor and commandant at L'Ecole Polytechnique of France. There he studied strategy and the art and science of war. He was a great lecturer on war and wrote two classical military works, *Les Principes de Guerre* and *La Direction de la Guerre*—that is, the Principles of War and Direction of War.

He was appointed a general in command of a corps in 1912, only two years before the outbreak of the World War, and was placed in command at Nancy, near the German frontier, which was the most important command in France.

This corps he imbued with his teachings, and one year later he led it into battle against the Germans.

You will remember that Germany declared war on France on August 3, 1914, and immediately started to overrun Belgium and France. She attacked through Belgium, 250 miles from Paris. The French met the Germans on the Belgian frontier, but they could not withstand the terrific onslaught of 1,500,000 Germans and they retired precipitately in mad retreat toward Paris, pursued by the Germans in hot haste.

It was the most remarkable retreat in history—the French striving to find a place where they could make a stand and the Germans pressing so fast that they drove the French more than 200 miles in less than 30 days.

During those days the whole world waited with bated breath and fear and trembling to hear the fate of France. The liberty and the freedom and the democracy of the world hung in the balance.

But finally the day came when the French Army had at last retreated to the place where its commander, Marshal Joffre, determined to make a stand. It had reached the River Marne, along whose banks were great and treacherous marshes, and here Joffre sent forth the word that the salvation of France depended upon the ability of the French Army to make a stand.

The army was directed to face the enemy along the whole great battle line extending all the way from Paris to Verdun, a distance of 200 miles. Marshal Joffre told his men they must die where they stood, and the immortal motto was put upon their lips, "They shall not pass."

Every French soldier determined to die rather than see the German hosts penetrate farther into his country. It was at this time that the capital of France was moved from Paris to Bordeaux, and the world expected to hear every day of the capture of Paris and the overthrow of the French.

The armies facing each other at this time were the greatest ever engaged in any one battle—more than 1,500,000 Germans and over 1,000,000 French and British. The victorious Germans attacked with great force and confidence. The French line weakened in many places and was about to be broken.

General Foch commanded the Ninth Army in the center of the French line with 120,000 men. He was attacked in front by some 250,000 Germans, and finally his center was giving way. He moved a complete division from his left to his center, and calling his staff officers together he said to them, "I can not hold the Germans; my lines are retreating, and it is necessary that I attack." The Germans were completely surprised when they saw these tired Frenchmen attacking them with great fury, and they were thrown back in great confusion, and finally began a full retreat.

As the German General von Kluck, who was on the German right, had exposed his right flank and was attacked by General Gallieni, who brought an army in taxicabs from Paris, Foch's brilliant attack far away resulted in demoralization in the whole German Army, which fell back and finally crossed the River Aisne, and the Battle of the Marne, the greatest and most decisive battle in the history of the world, was won and the world was saved.

Foch's great and brilliant attack won the day.

There were many great battles after the Marne, but if the Battle of the Marne had been lost, France would have been compelled to surrender and Great Britain could not have carried on the war alone.

During that battle, when General Joffre sent word to Foch to know how he was getting on, it is said that Foch directed the staff officer to say to General Joffre, "My right is being driven back, my center is crumbling; the situation is excellent, and I am attacking."

There have been many great soldiers of the world, but I have never read of another who under such circumstances would have attacked.

Foch's motto was, "Attack! Attack! Attack!"

On the battle field of the Marne he demonstrated his decisiveness and his profound belief in the principle of the offensive. It is said that Napoleon was his great example, and the soldier whom he admired and whose principles of strategy he followed.

Foch had that quality without which no soldier can be successful, and that is the will to win, which was never shaken, no matter to what desperate straits he was driven.

After the Battle of the Marne Foch became assistant to the commander in chief of all the French Armies, and afterwards commanded a group of armies at Ypres and on the Somme in 1915 and 1916. By the year 1917 his genius was known to be so great that he became chief of the French General Staff, a position which gave him the military direction of all the French Armies. He had then the greatest commands that had ever been exercised by any man save the commanders in chief of the German Armies, for the French then numbered more than 4,000,000 men.

You will remember that the Allies had been pressed back and back by the German forces, and they had penetrated far into northern France by the latter part of 1916, and were in control of the whole of Belgium except a small strip to the extreme west, where the British, with the desperate courage that has ever characterized that wonderful race of men, still held the ruined town of Ypres at the desperate cost of 300,000 dead.

The front line extended from the North Sea at Nieuport to Soissons, and then east to Rheims and Verdun, and then to St. Mihiel and Toul to the frontier of Switzerland, a distance of 300 miles, and every foot of that long line was honeycombed with trenches and was lined with and defended by more than 3,000,000 men.

The sullen roar of the guns, the buzz of the airplanes, and the sharp crack of the machine guns were the dread but only music that the tired and weary soldiers heard from morn 'til night and night 'til morn for four long and dreadful years.

Men were dying by the tens of thousands and were being wounded by the hundreds of thousands.

The suffering and death had not only never been equalled before but no such holocaust had ever been dreamed of in the history of the world.

It seemed that the Allies must lose the war before that mighty young giant of the West, America, could get to the battle field.

On the 21st day of March, 1918, General Ludendorff delivered his great attack near Soissons where the wings of the British and French Armies joined, driving the British back and back in one mad retreat and nearly destroyed the Fifth British Army.

This was the darkest hour of the war.

Up to this time the British and French generals had been commanding the armies of their countries separately but the cooperation between the armies had not always been what it should have been. Had these armies had a single commander the war might have been won sooner; but the pride of command, that dreadful evil of mankind, had sent many a poor soldier boy to his grave.

But now everyone realized that they must have a unified command or all was lost. They were now fighting with their backs to the wall; and so Foch was selected by the British and the French to command all of the allied armies.

They were willing to give it to him then as they had about lost hope and did not think it was worth much to any man, and so, on the 26th day of March, he became the generalissimo of the allied armies of Great Britain, France, and Belgium, and later of the United States—the greatest command ever given to man.

In September, 1918, I was on the battle front where Foch had been in March, 1918, and in a house in the little town of Doullens, in northern France, where Foch had received his great command, I sat and heard the plans explained that were a little later to put the Thirtieth American Division in the Hindenburg line on the 29th day of September, 1918, where many of my comrades who now sit before me gained eternal glory and renown, and where many of the boys of Tennessee passed to the Great Beyond, but at the same time enrolled their names on the eternal scroll of fame.

From the moment that Foch took command of that, the greatest army in history, with forces aggregating 10,000,000 men, his grasp of the situation did not falter.

Within seven months after he assumed supreme command he brought the greatest war of all time to a successful conclusion and saved the freedom of the world.

It was on the 29th of March, 1918, that General Pershing, our own great soldier of the World War, in the course of a reunion at which were General Petain, M. Clemenceau, and M. Loucheur, presented himself to General Foch and said to him:

"I am come to tell you that the American people would consider it a great honor that our troops should be engaged in this immediate battle.

"I ask it in my name and in theirs.

"There is no question at this moment except to fight.

"Infantry, artillery, aviation—everything we have is at your disposal. Do with them as you wish. Others will come, as many as are necessary. I have come here expressly for the purpose of telling you that the American people will be proud to engage in the greatest battle in all history."

By his success, Foch, that wonderful little man who had seen but little of actual war until he was 63 years of age, had now won a place beside the greatest men of the earth. He now took his place beside the great Napoleon, the most renowned soldier of all the ages.

It is difficult, if not impossible, to analyze genius, but certain qualities which entered into Foch's achievements are clear. He was the most learned of commanders, versed as no other leader in the art of war.

He was the foremost lecturer in the French war schools, an incisive writer, and his books on the art of war had become classics. But despite his erudition his was the freshest and most brilliant mind of all the soldiers of the war.

Foch defined war as the domain of moral force and victory as superior will. No appraisal of his qualities would be complete which did not give prominence to his faith, his moral energy, and his undying determination to conquer.

Truth compels me to say, however, that we will never know how much Foch owed to those young and vigorous Americans who arrived in France just as Foch took supreme command. I do not wish to give them too much credit, but, in my mind, Foch owed his success largely to the 2,000,000 men who came, fresh and strong, from our own land, America.

One of the most beautiful things about Foch was his deep religious belief.

In some ways he does not seem to belong to the class of professional fighting men. Often he was seen kneeling among his soldiers at a mass celebrated under the open sky. He used to say that he found inspiration and strength in prayer before a battle. You will remember that was also a characteristic of our own Gen. George Washington.

It could truly be said of Foch that "his soul belongs to the heroic age and his heart was of gold."

It has often been said by those who were not in the war or not at the battle front that Foch should have carried the battle into Germany and marched his troops in triumph through the streets of Berlin. But his unwillingness to sacrifice another soldier in that great holocaust is to me one of the finest things in his life and makes him to me a far greater man.

It was then that he rose to his greatest moral heights when he declared that all the objects of the war had been gained; that the Germans had made a complete surrender; and that he could not tol-

erate the thought of sacrificing the lives of perhaps 200,000 soldiers in order to make a military triumph more ostentatious.

As he described the situation:

"Doubtless any general would have preferred to have continued the struggle and to give battle when the battle which offered itself was so promising, but a father of a family could not help but think of the blood that would be shed.

"A victory, however easy, costs the lives of men.

"We held victory in our grasp without any further sacrifice."

The marshal's words, thoroughly supported by his actions, go far to prove how far removed from blood lust and how tender and human is the heart of the true soldier.

Such a man rarely appears in war, and when he passes into the unknown there should be a tribute not only to his skill and valor but to his magnanimous and humane character.

And, my comrades and friends, tribute has been paid to him as it has been paid to few in all the world.

When he passed away all France went into mourning and the whole world was bowed in grief. On the 26th day of last March his funeral obsequies were the most splendid that have ever been paid to a French officer since the remains of the great Napoleon were brought back from St. Helena. His body was laid by the Tomb of the Unknown Soldier, and all France came to view his remains.

The greatest men of the world walked by his funeral bier, and his body now rests in the beautiful building known as Les Invalides, where the memories of great soldiers are revived on every hand, and his coffin rests near that of Napoleon himself.

And there his body will lie and his name will be loved and revered as long as France endures; and not only that, but his name will ever be remembered by all true lovers of liberty and virtue and patriotism in every corner of the earth.

His conduct and character are best exemplified in his own motto:

"I fear God; I have no other fear."

ADDRESSES AT CORNER-STONE LAYING OF INTERNAL REVENUE BUILDING

Mr. SMOOT. Mr. President, I ask to have printed in the RECORD the addresses of Hon. A. W. Mellon, Secretary of the Treasury, and Hon. David H. Blair, Commissioner of Internal Revenue, at the laying of the corner stone of the new Bureau of Internal Revenue Building, in Washington, on the 20th instant.

The VICE PRESIDENT. Without objection, leave is granted. Secretary Mellon spoke as follows:

We have met this afternoon to lay the cornerstone of the new building for the Bureau of Internal Revenue. It is a significant occasion, for it means that this bureau, with its varied activities and responsibilities for collecting the vast revenues of the Government, will no longer be scattered in buildings throughout the city but will be housed in a building adequate for its needs. It also means that the plans which have been made for the orderly development of Washington, particularly as regards the so-called triangle area, are at last under way.

The present building is the first to be commenced in that great group of Government buildings to be erected along Pennsylvania Avenue and the Mall. It will constitute an integral part of that group; and it has been designed in such a way that it will contribute, in the greatest measure possible, to the beauty and dignity of the city and the convenience of all who must transact business with the Government.

It is a matter of special pride to us that the plans for this building have been made entirely within the Treasury itself. These plans have been drawn in the Office of the Supervising Architect, which has been entrusted with such large responsibilities in working out the plans for the public-building program in Washington.

It is a particular satisfaction that this long-delayed building for the Bureau of Internal Revenue has been started during the administration of the present commissioner, Mr. Blair. For more than eight years he has carried on the difficult and responsible work of administering the internal revenue laws. Often it has been under the greatest handicaps, such as inadequate housing of the various units of his organization and also constant changes in personnel. But he has worked always to give the taxpayers and the Government an honest and efficient administration of the tax laws; and he has succeeded in making a record of which the country can well be proud.

It is with great regret that we see him leave the Treasury organization; and I wish him to know that, in leaving, he carries with him the admiration of all those who have been associated with him in the important work of the last eight years. I take pleasure in introducing to you the Commissioner of Internal Revenue, Hon. David H. Blair, who will now address you.

Commissioner Blair spoke as follows:

In the elder days of art,

Builders wrought with greatest care;

Each minute and unseen part,

For the gods see everywhere.

For centuries we have alternately abandoned and then swung back to the high ideals of the ancient builders. But for the most part we have constructed for temporary use only, without much regard to beauty or permanency.

The same thought was expressed by a great writer, who said:

"When I stood with a friend before the Cathedral of Amiens he asked me how it happens that we no longer build such piles. I replied, 'Dear Alphonse, men in those days had convictions, we moderns have opinions, and it requires something more than an opinion to build a Gothic cathedral.'"

At last we are coming back to the period of convictions. No one can study the plans of this magnificent structure, which we are now about to dedicate, nor the plans of the Triangle and its ideal development, of which this building is but the beginning, without the feeling that our opinions have at last crystallized into convictions and that these convictions are being expressed in steel and stone and marble, combining a utility and a beauty which would have pleased the builders "in the elder days of art," and which would have brought the approval alike of Washington, the builder of a great Nation, and L'Enfant, the far-seeing planner of a perfect city.

Washington and L'Enfant understood, as few men in history have, the necessity of combining the beautiful with the practical and useful, and it is as interesting as it is important that the plans of Washington, our first President and a great engineer and builder, and L'Enfant, the soldier, the planner, and the artist, should now be revived and finally brought to completion under the direction of another Chief Executive, who is also a great engineer and builder, and under the supervision of a Secretary of the Treasury who, like L'Enfant, is a far-seeing planner and has a proper appreciation of æsthetic values and the sound judgment to combine the beautiful with the useful and permanent.

The Nation owes a great debt of gratitude to Washington and L'Enfant! It will owe as much to Hoover and to Mellon! It owes much to Senator REED SMOOT, chairman of the Public Buildings Commission; to the late Senator Fernald, who was chairman of the Public Buildings and Grounds Committee of the Senate; to Senator KEYES, his successor; and to Congressman RICHARD N. ELLIOTT, chairman of the Public Buildings and Grounds Committee of the House, who have given unsparingly of their time and have given their best thought and energy in bringing about the proper legislation which has made possible the birth of a new National Capital, or, rather, the rebirth of the vision of L'Enfant and George Washington.

In justification of the building program, which is now under way, much has been said about the saving to the Government in the way of rents which are now paid out for housing the different departments of the Government. This is, indeed, a considerable item, and, in my opinion, it, in itself, justifies the cost of carrying out the program, but it is insignificant compared with the advantages accruing, first, to the public in the comfort and convenience and the saving of time in the transaction of business with the Government and, then, to the Government itself in the economy of administering its affairs in a prompt, satisfactory, scientific, and proper way. The Bureau of Internal Revenue, for example, has been housed during the last eight years in an average of 10 different buildings scattered pretty well over the city of Washington. Units whose functions are closely related have been separated and the work carried on in buildings that are a mile or more apart, and many of them totally unsuited to the purpose. No private business could have survived such a handicap.

As the problems which confronted the Bureau of Internal Revenue increased and reorganizations became necessary, our housing problems increased with them. Had it not been for the splendid cooperation we have received from the Secretary of the Treasury, the Public Buildings Commission, and important committees of Congress, we would have been powerless in our efforts to bring the work of the Internal Revenue Bureau to a current basis. There has always been a sympathetic and earnest desire on their part to help the bureau in this great housing difficulty. They have never turned a deaf ear to our cries for help, and as speedily as they could they arranged for the construction of our new home in this new building.

It is, indeed, a great honor to have been accorded the privilege of taking part in the dedication of this building. For eight years I have looked forward to the time when the Bureau of Internal Revenue would be properly and comfortably housed in one building, so constructed and arranged as to permit it to function with a high degree of efficiency.

The building surpasses my fondest hopes, and, while I shall not occupy it officially, I shall always think of it as "our building," and I rejoice that my successor and that splendid army of my coworkers and friends who continue to serve will soon come into the enjoyment of this ideal home.

In this new building, ideally and scientifically planned and constructed, the cost of administering the affairs of this bureau will be reduced to a minimum. The healthful and artistic surroundings will inspire the occupants to better effort, and not only will the cost of administration be cut to a remarkably low figure but the enormous task to be performed will also be speedily, comfortably, and efficiently accom-

plished, with great benefit and satisfaction to the public and to the employees themselves.

"We require from buildings, as from men, two kinds of goodness. First, the doing their practical duty well; then that they be graceful and pleasing in doing it, which last is itself another form of duty."

May the character of the work performed and the character and spirit of each employee engaged in that work be in keeping with the magnificent building which we shall soon occupy.

When we speak of the cost of this building as \$10,000,000, the cost of developing the triangle as \$75,000,000, and the cost of carrying out the program which is now under way as \$200,000,000, the figures seem large, but the cost is small compared with the benefits. One twenty-fifth of 1 per cent of the amount collected by the Bureau of Internal Revenue since 1921 will cover the entire cost of this building and the ground on which it stands. The average daily collections during the past year will more than pay for the building. One-third of 1 per cent of the amount collected during Mr. Mellon's term of office will pay for the whole of the triangle development complete, including buildings, grounds, and parks, and less than 1 per cent will pay for the entire proposed development of the new Washington.

Since the Bureau of Internal Revenue was organized in 1792 its growth has been enormous. Our average daily collections now are one and one-half million dollars more than the total collections for the first 10 years of its activities. It collects 70 per cent of all the Government's revenues, and during the last eight years alone it has collected more than \$23,000,000,000.

To carry on such a work a great and efficient organization is necessary. We have such an organization; and now, when this beautiful building is completed, that organization will be suitably and comfortably housed. It is believed that this building will be adequate for the purpose for which it is constructed, if not for all time, at least for generations to come. The planners seem to have been inspired by the words of Ruskin, who said:

"Therefore when we build let us think that we build forever. Let it not be for present delight nor for present use alone, let it be such work as our descendants will thank us for, and let us think, as we lay stone on stone, that a time will come when those stones will be held sacred because our hands have touched them, and that men will say, as they look upon the labor and wrought substance of them, 'See, this our fathers did for us.'"

This building will show no stately towers or gilded domes. It is simple and dignified and beautiful, and admirably suited to the purpose for which it is being built.

Let us hope that into its doors in all the future years there will come not only a continuing stream of gold, which will flow forth to every part of the Nation bearing life and help and strength, but that also into its doors will ever come great, strong, and noble men and women who will intelligently, courageously, faithfully, and honestly direct the affairs of this bureau of the Government—such men and women as now largely compose its personnel, and such men and women as are the glory and hope of the Republic—and that these and their descendants will live to the glory of this people and will shed, by their lives as individuals, citizens, and employees of the Government, such a luster as will cause one and all to bless the memory of those who conceived and executed this great work.

Builders we all are! Builders of homes, builders of factories, builders of magnificent public buildings, and of great institutions, builders of palaces and parks, builders of character, builders of life itself!

Let us choose this edifice as the ideal of our work. It will hallow our thoughts and strengthen our endeavors. It will cause us to bring our best to the smallest task, and make the least service a labor of value and reward. Then—

"Building day by day, build worthily, build well;

Our work and that alone our faithfulness will tell.

The Master Builder looking down on strength of tower and wall

Knows well if in the coming test our work will stand or fall."

CRITICIZING PRESS FOR FAILURE TO PRINT FACTS ABOUT ROMAN CATHOLICS

Mr. HEFLIN. Mr. President, a great deal is being said about the privileges of the press and about what was once known as a free press. The press that has the privilege of the Senate gallery ought to tell the truth about what occurs here; it ought to report to the reading public the truth about what is done and said here on public questions. The whole metropolitan press failed on yesterday to send out any report whatever of a very interesting and astounding situation that I presented to the Senate. Not a line have I found so far in any paper of a matter that was brought to the attention of the Senate for the first time, where a Government employee, testifying before a Senate committee, told that committee that he was showing special favors to the Knights of Columbus in giving them information first as to obtaining Government positions. That Government employee told the committee that he sends out notices to the Knights of Columbus when Government positions were to

be filled, and they headed the list; he said he sent notices to the Knights of Columbus, the Y. M. C. A., and to educational groups. I then questioned him in the presence of the Senator from Georgia [Mr. GEORGE], the Senator from Vermont [Mr. DALE], and the Senator from Iowa [Mr. BROOKHART], and he testified that he did not send these notices to any other fraternal group in the Nation. I brought that matter to the attention of the Senate on yesterday. He told that committee that the Knights of Columbus maintained an employment list. Of course, right on the job, watching for openings in the Government service for Catholics, and they were handing notices of examinations for Government positions to that group first, and not a member of the big daily press reported that remarkable, astounding, and dangerous situation to the country—not a line.

I then showed the results of this activity on the part of the Knights of Columbus and of this partiality shown them by certain civil-service Government employees, to the hurt and injury of Protestant and Jewish people in the Nation who are entitled to fair treatment and a square deal. I showed how the Catholic group was receiving special favors by some who had wormed their way into the Government service, and not a line of that startling disclosure appeared in the press this morning.

Why is it that such truths can not be given to the public? Are facts about the dangerous activities of Roman Catholics to be suppressed? We ought to abolish the press gallery entirely if we have a truckling, fawning set that is afraid to give to this great Protestant Nation the truth about what is going on in the very heart of the Government, and tending to destroy it.

Mr. President, following that disclosure yesterday I read the results of the special favors shown to the Knights of Columbus in statistics published by a paper in the United States, and not a line is printed about it by these gentlemen in the press gallery who want the privilege of this floor. I am in favor of taking the privilege of the press gallery away from them if they are simply going to be the agents of the Roman press. We are going to have a free press in this country before we get through with this thing. The Senator who is afraid to fight against Roman Catholic encroachments to preserve free government in America is a coward, and the newspaper man who is afraid of them and will not print the truth about them is a coward. He ought not to have these privileges of the press gallery of United States Senate. The representatives of the press must be fair enough and courageous enough to tell the truth about Catholics, Protestants, and Jews.

I showed the results of this Knights of Columbus activity in securing Government jobs for Catholics and its interlocking arrangements with some of those in the civil service. I read these figures. Certainly that is of news value to Protestant and Jewish men and women who would like to have positions here. Certainly they would like to know how it is that their boys and girls, back in the States, are still on the eligible list, and can not get in the Government service, when it is being overrun with Catholics in the Capital.

I hope that every man and woman in the country who reads this RECORD will take up this matter with their Senators; and I want them to ask them, "Why didn't you support Senator HEFLIN in his fight for a fair deal for Protestant men and women, for Jewish men and women, for all alike?" I am not asking for partiality to any group, but I announce that it is a shame that in a nation of 120,000,000 people, where the Roman Catholics number about 19,000,000, they have 75 per cent of the offices in the Government at Washington.

Now, I am going to read again the letter I read yesterday about these statistics, giving the percentage of Catholics who fill Government offices here at the Capital. This letter is from Williamsport, Pa. It reads:

MY DEAR SENATOR: I am inclosing a copy of the Index published by the Prohibition League of Williamsport, Pa. Do not know of anyone better prepared to handle the question than yourself. If it is true, how do they all get in?

Here is the statement:

A letter just received at State headquarters from an old veteran prohibitionist makes the following statement: The Herald of Holiness published this statement:

"In the Department of State at Washington, 61 per cent of the employees are Catholics."

And then I said yesterday:

I wish the special representatives of the Associated Press and the other news services would get busy with their pens now. They ought to have this to-morrow in every paper, every bit of it.

Here is the statement:

In the Department of State at Washington 61 per cent of the employees are Catholics.

In the Treasury Department, in which the work of prohibition enforcement is lodged, 70 per cent of the employees are Catholics.

In the War Department 53 per cent of the civilian and 70 per cent of the Army employees are Catholics.

In Insular Affairs, 89 per cent.

In the Bureau of Indian Affairs, under the Department of the Interior, 95 per cent.

In the Education Bureau—

Think of that! They are the deadly enemies of the public-school system in America.

In the Education Bureau 60 per cent are Catholics; and on the Alaskan Railroad 100 per cent are Catholics.

Roman Catholics have only 18 per cent of our population. Is it not suggestive and sinister that they hold 75 per cent of our offices?

Mr. President, I want Senators to think seriously for a moment. Why did not somebody give that important news to the country? Why is it that the press of the United States at the Capitol trembles like a frightened puppy dog when it faces the Catholic issue in any form? Why is it that they buck and balk and back off as soon as they find that a matter involves Catholic doings of any kind? I want a press that will tell the truth about the Catholics, even if it praises them. I want a press that will tell the truth about Protestants and Jews, and be fair and just to all. I have had newspaper men tell me at this Capitol, as well as away from here, that newspaper men are afraid of the Roman Catholic political machine, and that when they write stories, if a Catholic is involved in them, they are exceedingly careful about what they say, but if a Catholic is not involved they go the limit and say what they please.

I am in my day and generation and in my time here as a Senator trying to serve my country, and to give it notice of the dangers that threaten it. I want to bring to the attention of the people whose Government this is the insidious and dangerous efforts to overthrow it. I said yesterday, and I assert it again, it is the purpose and the program of the Roman Catholic hierarchy to make this Nation Catholic, to set up the Catholic state, to have the Government support the Catholic Church, and do away with all other religious denominations in America.

That is the history of the church. They did it in Mexico. It is now provided in the constitution of Argentina that nobody but a Catholic can be President, and what a dreadful situation we have in the Capital of the Nation which George Washington and Jefferson and Madison and Patrick Henry and a long line of illustrious men, who, with the aid of their ragged Continentals, established here what God Almighty intended to be an ideal nation, one to which all nations could look and behold its light shining forth that other nations, seeing its good works, would be constrained to follow in its footsteps.

I want this Government to be just and fair to all. I want to see it preserved in its integrity. Let us say to Roman Catholics here and elsewhere, "This is one nation that shall remain free. Here religious freedom and the separation of church and state shall be preserved inviolate. We are willing for you to worship God as you choose, but you are not going to pervert this Government from the ends of its institution; you are not going to destroy liberty in America; you are not going to crush religious freedom. You are not going to kill free speech, peaceful assembly, and a free press as you killed it in Italy. You are not going to set up the Catholic state in this Republic of the West. We are going to have one nation to which all the world can turn to with hope and pride and say, 'In America there is a government of the people, by the people, and for the people,' a Republic, as Lincoln said, where 'liberty shall not perish from the earth.'"

Mr. President, I shall continue to do my duty as I see it. I am indignant and disgusted, but undaunted, by this truckling subserviency of the press to the Roman machine here at the Capitol. I am more determined by this incident to acquaint the American people with the dangers that threaten from the un-American activities of certain Roman Catholics. This truckling, fawning, cowardly conduct of the press to those who would destroy free government in America is enough to arouse sleeping Americans to a sense of their duty in the premises. I am ready to vote to exclude all members of the press from the privileges of the Senate floor. Why should a press member walk into this great deliberative body and go around having conversations with Senators while the business of the Nation is being transacted? Why should they be permitted to come here and sit down, as I have seen them do, within 8 feet of a Senator addressing the Senate and carry on a conversation with a Senator? Let them sit in the press gallery and make their notes and report what transpires here, or send in for Senators to come out, as most of the reporters now do. Keep them out of this body. They have no business coming into the Senate when it is in session, whispering around and walking about on this floor. This is the lawmaking body of the greatest

nation in all the world, and I think that some of us are going to institute proceedings that will get the truth about things that occur here to the people of the States. I have a friend who is working on the establishment here of the People's News Service, and if we can install it, as I think we can, we will have the truth go out from the press gallery every day. It will be unafraid, it will be properly financed, and the appearance of a priest or a nun in the galleries will not frighten the reporter who represents that agency in the press gallery of the Senate.

The American people, while they are yet strong and in possession of the instrumentalities of their Government, are going to use them before it is too late, as they found the situation to be in Italy when the brutal bastard Mussolini delivered that government over to the Roman hierarchy bound in chains.

WEALTH CONCENTRATION INDICATED BY TAX RETURNS

Mr. WALSH of Massachusetts. Mr. President, for some time I have been examining tables of income-tax returns for the purpose of determining what conclusions could be drawn from those returns indicating the extent to which wealth is being concentrated in the United States. I trust the Senator in charge of the pending measure will permit me to divert from the subject under discussion while I present to the Senate some conclusions which I have reached. It will take but a very brief time.

I present some tables which I have used in my study, showing the number of returns filed by individuals in the last five years, also tables showing the increases in the income reported by individuals. I also have for the Record tables showing the number of returns made by corporations, tables showing the increases in incomes of corporations, and the classes of corporations that have reported the largest earnings. The conclusions at which I have arrived are as follows:

NUMBER OF RETURNS

The number of individuals making returns of income in excess of \$1,000,000 per year increased between 1922 and 1927 from 67 to 283, or over 400 per cent; the increase in the number of individuals declaring net incomes in excess of \$100,000 was 174.5 per cent; the increase in the zone between \$50,000 and \$100,000 was 87.2 per cent; and in the zone between \$10,000 and \$50,000, 66.1 per cent.

In contrast with these increases the number of individuals reporting incomes below \$10,000 actually decreased in the same period 27 per cent. This was probably due in large part to the increase in exemptions under the tax law that became operative in 1925, which exemptions particularly affected this zone. However, returns have been made for three years under the present tax law, and each year shows a reduction in the number of individuals reporting incomes below \$10,000. Since the present law became operative, in 1925, there has been an actual reduction of 2 per cent in the number of individuals reporting incomes of less than \$10,000. This represents 57,836 fewer individuals reporting in 1927 incomes of less than \$10,000, compared with 1925.

In other words, in two years, under the existing tax law, which has not been changed, there have been 57,836 fewer individuals making returns on incomes of less than \$10,000.

Mr. PHIPPS. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WALSH of Massachusetts. I yield.

Mr. PHIPPS. Can the Senator tell us what number of individuals have reported in the next schedule above the \$10,000 schedule and what the increases, if any, are for the same period of time?

Mr. WALSH of Massachusetts. I have stated it.

Mr. PHIPPS. I did not get it in amounts; I got the percentage.

Mr. WALSH of Massachusetts. I have not the exact number in mind, but the figures are in a table I am inserting in the Record. In the zone between \$10,000 and \$50,000 there was an increase during the five years in percentage of 66.1 per cent, but the exact number appears in the table which I am presenting. There has been a slight increase in the number.

Mr. PHIPPS. The natural inference was that that might account for the decrease in the number in the lower schedule to a great extent.

Mr. WALSH of Massachusetts. If there had been a number of persons whose incomes were lower than \$10,000 and who moved into the zone having incomes over \$10,000, you would expect the same situation to exist as to the incomes of those people who were under the exemption in the zone under \$10,000 and who increased their income so as to come within the income amount under \$10,000 that is taxable.

Mr. PHIPPS. I understand the Senator is going to furnish the figures for the Record.

Mr. WALSH of Massachusetts. Yes.

Mr. PHIPPS. I thank the Senator.

Mr. WALSH of Massachusetts. Mr. President, I will next refer to

INCREASE OF NET INCOME OF INDIVIDUALS

The reports of total net income of individuals, as well as the total number of returns made by individuals, show like tendencies. The number of individuals having incomes in excess of \$100,000 increased 214 per cent between 1922 and 1927—an increase of nearly \$2,000,000,000; the number of individuals reporting incomes of between \$50,000 and \$100,000 increased 87.2 per cent.

In the same period the net incomes of all individuals in the class reporting less than \$10,000 actually decreased 19 per cent. This decrease was undoubtedly due in part to exemptions extended by the tax law, which became operative in 1925 to individuals in this zone. However, it is to be noted that the returns during the three years of the present operation of the law show a steady decline in the net incomes of individuals reporting under \$10,000; the decrease between 1925 and 1927 was 17.56 per cent—or about \$176,000,000. In the same period there was an increase in net incomes of about one-half billion of dollars to all individuals with incomes in excess of \$100,000.

INCOMES OF CORPORATIONS

The net income returns of corporations with net incomes under \$50,000 have but slightly increased between 1922 and 1926, the last year for which figures are available, the actual increase of net incomes in this group of corporations in the five years being only \$230,532,909; while the net incomes of corporations with net incomes in excess of \$50,000 increased from \$1,681,892,856 to the enormous sum of \$3,468,407,420, representing an increase in earnings of over 100 per cent.

In 1926 the 239,086 corporations with net income under \$50,000 earned \$2,071,911,091 less than the 214 corporations with net incomes in excess of \$50,000.

The total net income of all corporations reporting earnings of over \$50,000 was over 150 per cent more than the total earnings of all corporations reporting net income of under \$50,000.

The increase in five years in net incomes of all corporations having an income of over \$50,000 was 42.8 per cent, while the increase of net incomes of corporations under \$50,000 was only 2.3 per cent.

Corporations with net income of over \$50,000 represents 85.6 per cent of the total net incomes returned by all corporations, while the corporations with total net income of under \$50,000 represents only 14.4 per cent of the earnings of all corporations.

The total net income of the 239,086 corporations in the zone under \$50,000 actually decreased in 1926—the last year reported—as compared with 1925, to the extent of \$46,326,993; in the same years the 214 corporations with net incomes of over \$50,000 increased their net incomes \$370,796,668.

TOTAL NUMBER OF RETURNS BY CORPORATIONS

The total number of corporations making returns with net incomes under \$50,000 slightly increased between 1922 and 1926; while the number of corporations returning incomes in excess of \$50,000 increased 17.8 per cent.

Comparing the figures of 1925 and 1926, the number of corporations in the various zones with net incomes between \$50,000 and \$5,000,000 actually decreased, while the number of corporations with a net income of over \$5,000,000 increased from 196 to 214, representing also an increase in earnings in one year of \$370,796,668.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. WALSH of Massachusetts. I yield.

Mr. SIMMONS. The Senator has presented a comparison between corporations with incomes of less than \$50,000 and those with incomes above \$50,000. The Senator will recall that the present income tax law for the purposes of applying the surtax makes \$100,000 the dividing line. Has the Senator a comparison between corporations with incomes of less than \$100,000 and those with incomes in excess of that amount?

Mr. WALSH of Massachusetts. The tables which I shall ask to have printed in the Record contain that information. I have a comparison between corporations with incomes under \$50,000 and corporations in the various zones above \$50,000. The figures for 1925 and 1926, the last two years available, showed that the number of corporations in the zones above \$50,000 and extending to \$5,000,000 has decreased.

Mr. SIMMONS. Yes; I understood that.

Mr. WALSH of Massachusetts. While the number of corporations in the zone above \$5,000,000 has increased. The

purpose of the analysis is to show that those with large individual incomes and corporations with the largest incomes are increasing in number, while there appears to be a steady decrease in the number of returns and earnings outside of those in the excessively high brackets.

Mr. SIMMONS. I understood that, and I think it is a very valuable contribution, but I suggest to the Senator that if he could make the dividing line \$100,000 instead of \$50,000 and give us the benefit of a comparison upon that basis, it would be rather illuminating, because that is the line of demarkation which we made in our revenue act.

Mr. WALSH of Massachusetts. The table which I shall place in the RECORD does contain the information to which the Senator refers.

Mr. SIMMONS. I am very glad.

Mr. WALSH of Massachusetts. The corporations are grouped in zones of those with incomes of from \$50,000 to \$100,000, those with incomes from \$100,000 to \$250,000, from \$250,000 to \$500,000, from \$500,000 to \$1,000,000, from \$1,000,000 to \$5,000,000, and those with incomes over \$5,000,000.

THE ECONOMIC TENDENCY

It seems to me these tables confirm the opinion that the wealth of the country is being rapidly concentrated in the hands of a limited number of corporations and a limited number of individuals; that the very wealthy are increasing their wealth out of all proportion to other elements of our population and that the income of individuals with smaller incomes are steadily decreasing without any corresponding decrease in the cost of living; that the earnings of corporations are being steadily concentrated in a limited number of combines or mergers.

It is of interest to note that, while the returns for the year 1928 have not been compiled, the actuary states:

It is certain that the returns for 1928, filed and payable during the year 1929, will exceed any of the returns above tabulated.

Which means that the returns for 1928 will show, when tabulated, the same trend, namely, an increased percentage in the incomes of individuals having an income of over \$100,000 and larger earnings than ever of corporations having the highest net incomes.

I have presented information which will be much more helpful when read in the RECORD rather than by hearing the statistics presented from the floor, for the purpose of calling attention to what appears to be the economic trend of the country to-day, and especially that we may have the information when we come to discuss the tariff bill, which is likely to involve very

extensively the question of the increased cost of living to the American public.

Mr. SIMMONS. Mr. President—

Mr. WALSH of Massachusetts. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator's presentation will prove to be a very valuable contribution, I am sure. Do not his figures show that the concentration of wealth in the hands of a few is being consummated chiefly through corporations?

Mr. WALSH of Massachusetts. That is my judgment. There is a very evident trend toward the combining of commercial and manufacturing corporations in the country into great organizations of stupendous capital with stupendous earnings, with the result that the smaller and middle class of corporations and the independent merchant and manufacturer are disappearing from the industrial and commercial life of America.

Mr. SIMMONS. The corporation is largely the instrumentality of this concentration of wealth.

Mr. WALSH of Massachusetts. Yes. In other words, the figures are evidence of this being the age of merger and concentration of wealth and of business, and that it is only a matter of years until all businesses will be carried by large combines of capital.

Mr. President, I thank the Senators in charge of the measure which is the unfinished business for permitting this discussion, which I present in the expectation that it will be helpful in our consideration of some aspects of the tariff bill when it reaches the Senate. I ask that the tables to which I have referred may be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,

OFFICE OF THE SECRETARY,

Washington, April 23, 1929.

HON. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Inclosed please find the tabulation requested as per your letter of the 20th instant.

As you will see, the latest year for which the statistics have been fully tabulated is 1928, tax payable in 1927. The preliminary returns for 1927 are not really comparable.

The first returns made last March, on account of the year 1928, indicate that the income of the wealthier individuals and the larger corporations has increased greatly for that year.

Respectfully,

JOSEPH S. MCCOY,

Government Actuary.

Individual income-tax returns

NUMBER OF RETURNS OF INCOME IN EXCESS OF \$100,000 (CALENDAR YEARS)

Zone	1922	1923	1924	1925	1926	1927
\$100,000 to \$150,000	2,171	2,339	3,065	4,759	4,724	5,240
\$150,000 to \$200,000	763	750	1,084	1,758	1,845	2,114
\$200,000 to \$250,000	350	348	542	928	897	1,099
\$250,000 to \$300,000	210	203	250	537	525	641
\$300,000 to \$400,000	205	216	320	562	576	752
\$400,000 to \$500,000	104	111	137	330	316	383
\$500,000 to \$750,000	122	103	192	340	325	383
\$750,000 to \$1,000,000	39	38	50	139	143	172
\$1,000,000 to \$1,500,000	37	39	37	104	117	134
\$1,500,000 to \$2,000,000	11	12	13	43	43	54
\$2,000,000 to \$3,000,000	10	12	15	29	34	55
\$3,000,000 to \$4,000,000	5	6	4	15	14	22
\$4,000,000 to \$5,000,000		1	3	9	9	8
Over \$5,000,000	4	4	3	7	14	10
Total over \$100,000	4,031	4,182	5,715	9,560	9,582	11,067
Increase over 1922		3.7	41.8	137.2	137.7	174.5

NET INCOME RETURNED (CALENDAR YEARS)

\$100,000 to \$150,000	\$260,203,553	\$280,656,213	\$377,644,950	\$572,859,982	\$570,189,915	\$633,510,993
\$150,000 to \$200,000	131,704,375	127,882,393	186,211,045	302,507,030	317,269,021	362,710,495
\$200,000 to \$250,000	77,782,184	77,299,661	120,416,465	205,927,937	200,251,373	244,676,808
\$250,000 to \$300,000	57,327,824	55,401,958	67,981,864	146,865,250	143,891,155	175,798,480
\$300,000 to \$400,000	70,101,094	75,471,811	109,977,527	192,759,080	198,756,733	258,465,005
\$400,000 to \$500,000	46,570,981	49,097,383	61,271,025	147,014,577	141,457,429	170,265,825
\$500,000 to \$750,000	74,468,094	62,515,897	115,627,429	207,431,183	194,732,900	228,523,472
\$750,000 to \$1,000,000	33,202,584	32,591,312	42,834,750	119,936,340	123,148,302	148,396,710
\$1,000,000 to \$1,500,000	43,021,214	46,811,543	44,166,730	128,442,670	143,321,982	160,184,434
\$1,500,000 to \$2,000,000	18,559,813	19,968,575	22,219,149	73,216,814	73,421,801	93,675,085
\$2,000,000 to \$3,000,000	25,025,585	28,172,015	34,873,488	69,015,571	86,278,668	132,044,039
\$3,000,000 to \$4,000,000	17,568,043	20,480,046	13,449,732	51,004,371	48,360,343	74,835,056
\$4,000,000 to \$5,000,000			13,310,057	39,394,563	41,335,421	36,523,123
Over \$5,000,000	37,212,338	36,639,702	27,955,319	61,382,863	101,675,702	88,995,242
Total over \$100,000	892,747,680	912,988,509	1,237,939,530	2,317,758,231	2,384,090,745	2,808,594,767
Increase over 1922		2.3	38.7	159.6	167.1	214.6

¹ Preliminary.

Corporation income-tax returns

NUMBER OF RETURNS FILED BY CORPORATIONS WHO RETURNED NET INCOME IN EXCESS OF \$50,000 (CALENDAR YEARS)

Income zones	1922	1923	1924	1925	1926	¹ 1927
\$50,000 to \$100,000.....	7,312	8,258	7,857	9,249	8,748	(²)
\$100,000 to \$250,000.....	5,114	5,942	5,200	6,270	5,966	7,499
\$250,000 to \$500,000.....	1,889	2,149	1,793	2,200	2,137	
\$500,000 to \$1,000,000.....	1,016	1,089	952	1,156	1,100	1,089
\$1,000,000 to \$5,000,000.....	725	858	739	917	883	788
Over \$5,000,000.....	120	168	162	196	214	173
Total over \$50,000.....	16,176	18,464	16,703	19,988	19,048	(²)
Increase over 1922..... per cent.....		1.4	2.6	23.6	17.8	(²)
Percentage to total returns.....	7.6	7.9	7.1	7.9	7.4	(²)
Total under \$50,000.....	196,359	214,875	218,686	232,346	239,086	³ 249,847

NET INCOME RETURNED BY CORPORATIONS REPORTING NET INCOME (CALENDAR YEARS)

	1922	1923	1924	1925	1926	¹ 1927
\$50,000 to \$100,000.....	\$512,069,921	\$577,435,489	\$546,492,107	\$646,218,517	\$612,009,482	(²)
\$100,000 to \$250,000.....	791,272,098	923,065,165	800,400,960	966,671,837	917,830,867	(²)
\$250,000 to \$500,000.....	658,842,334	745,679,327	620,791,551	765,259,354	749,611,283	(²)
\$500,000 to \$1,000,000.....	708,997,233	752,853,087	662,504,898	788,857,128	759,354,667	(²)
\$1,000,000 to \$5,000,000.....	1,444,773,281	1,695,716,712	1,447,837,353	1,876,242,787	1,769,642,841	(²)
Over \$5,000,000.....	1,681,892,856	2,294,954,330	2,210,209,084	3,097,610,752	3,468,407,420	(²)
Total over \$50,000.....	5,797,847,723	6,989,704,110	6,288,236,553	8,140,860,375	8,276,906,560	(²)
Increase over 1922..... per cent.....		20.6	8.5	40.4	42.8	(²)
Percentage of total net income returned.....	83.3	84.0	82.9	84.9	85.6	(²)
Total under \$50,000.....	1,165,963,420	1,331,825,024	1,298,415,739	1,442,823,322	1,396,496,329	(²)

¹ Preliminary.² Not segregated.³ Total returns.⁴ No statistics.

NOTE.—The corresponding statistics for 1927 have not as yet been tabulated or made public, even in a preliminary statement. The returns for 1928, when tabulated, will show even greater income than for any of the above years.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 26, 1929.

HON. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your letter of the 25th instant, I submit the following:

The returns of net income by the 11,067 individuals with income in excess of \$100,000 for 1927 was \$2,808,594,767. This was 15.53 per cent of the net income returned by the 2,464,168 individuals, the total number returning taxable income for that year, amounting to \$18,082,610,787.

The number of individuals returning taxable net income not in excess of \$100,000 was as follows:

Year:	Number of returns
1922.....	3,677,218
1923.....	4,265,939
1924.....	4,483,983
1925.....	2,491,606
1926.....	2,461,408
1927 ¹	2,453,101

The following table shows the number of returns of taxable income, and the net income so returned for the calendar years as indicated, together with the increase each year over 1922:

Year	Number of returns					
	Below \$10,000		\$10,000 to \$50,000		\$50,000 to \$100,000	
	Number	Increase over 1922	Number	Increase over 1922	Number	Increase over 1922
1922.....	2,903,394		186,804		12,000	
1923.....	4,041,854	39.2	211,633	13.3	12,452	3.8
1924.....	4,229,890	45.7	238,277	27.6	15,816	31.8
1925.....	2,178,148	-25.0	292,500	56.6	20,958	74.7
1926.....	2,136,671	-26.4	304,217	62.9	20,520	71.0
1927 ¹	2,120,312	-27.0	310,329	66.1	22,460	87.2

Net income returned by those with taxable net income

Year	Below \$10,000		\$10,000 to \$50,000		\$50,000 to \$100,000	
	Amount	Increase over 1922	Amount	Increase over 1922	Amount	Increase over 1922
		Per cent		Per cent		Per cent
1922.....	\$9,881,397,193		\$3,464,145,712		\$805,223,854	
1923.....	11,841,454,616	19.8	3,909,042,057	12.8	833,898,237	3.6
1924.....	12,708,755,222	28.6	4,455,245,174	28.6	1,066,783,643	32.5
1925.....	8,157,375,183	-1.74	5,577,137,663	61.0	1,418,948,285	76.2
1926.....	8,093,926,992	-18.7	5,615,275,701	62.1	1,889,339,134	134.6
1927 ¹	7,976,793,660	-19.3	5,769,538,992	66.6	1,527,683,368	89.7

¹ Estimated.

Respectfully,

Jos. S. McCoy, Government Actuary.

WORLD JAMBOREE OF BOY SCOUTS

Mr. HATFIELD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 616) to authorize the Secretary of War to lend War Department equipment for use at the world jamboree of the Boy Scouts of America.

Mr. MOSES. Mr. President, may I suggest that the request should be made in a slightly different form? It will be necessary first to lay aside the unfinished business temporarily before taking up the bill to which the Senator refers.

Mr. HATFIELD. I ask that the unfinished business may be temporarily laid aside in order that I may call up the bill to which I have referred.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of Senate bill 616. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, to lend, at his discretion, to the national council, Boy Scouts of America, for use at the world jamboree, Boy Scouts, to be held at Birkenhead, England, in the months of July and August, 1929, 1,600 cots, 5,000 blankets, tentage for 1,600 scouts: *Provided,* That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered at such time prior to the holding of the said convention as may be agreed upon by the Secretary of War and the national council, Boy Scouts of America: *Provided further,* That the Secretary of War before delivering said property shall take from the said Boy Scouts of America a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. HATFIELD. Mr. President, I ask that the report accompanying the bill may be read by the clerk.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read the report (No. 14), as follows:

Mr. HATFIELD, from the Committee on Military Affairs, submitted the following report (to accompany S. 616):

The Committee on Military Affairs, to which was referred the bill (S. 616) to authorize the Secretary of War to lend War Department equipment for use at the world jamboree of the Boy Scouts of America, having considered the same, report favorably thereon with the recommendation that it do pass.

This is a bill to authorize the Secretary of War to lend to the national council, Boy Scouts of America, for use at the world jamboree of Boy Scouts, to be held at Birkenhead, England, in July and August, 1929, cots, blankets, and tentage for 1,600 scouts.

The Boy Scouts of America have been invited to send 1,600 boys to the world conference on international good will to be held at Birkenhead, England, as above indicated. It is expected there will be 50,000 Boy Scouts from 42 countries in attendance.

The national council, Boy Scouts of America, agrees that there shall be no expense to the Government for the transportation, protection of, and return of this property, and a bond to that effect is to be furnished the Secretary of War.

Inasmuch as this conference is to be of an international character and that the scouts in other countries are being assisted financially by their governments, your committee favors the enactment of this legislation.

The War Department interposes no objection, and the Director Bureau of the Budget advises that it is not in conflict with the financial program of the President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DECENNIAL CENSUSES AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

Mr. PHIPPS. I send to the desk another amendment which I offer.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 11, line 20, after the word "questions," strike out the words "or by willfully giving answers that are false."

On page 11, line 22, strike out "\$10,000" and insert "\$500."

On page 11, line 23, strike out the words "one year" and insert "60 days."

On page 11, line 24, after the word "imprisoned," strike out the period, insert a comma, and the following: "and any person violating the provisions of this section by willfully giving answers that are false shall be fined not exceeding \$10,000 or imprisoned for a period not exceeding one year, or both."

So as to read:

And any person violating the provisions of this section by refusing or willfully neglecting to answer any of said questions shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$500, or imprisoned for a period not exceeding 60 days, or both so fined and imprisoned, and any person violating the provisions of this section by willfully giving answers that are false shall be fined not exceeding \$10,000 or imprisonment for a period not exceeding one year, or both.

Mr. FLETCHER. Mr. President, I would suggest that the proposed amendment be separated into parts and then taken up one part at a time.

Mr. PHIPPS. If I may be allowed to explain the amendment, it is not wise to separate the different portions of it. The purpose of the amendment is to distinguish those who neglect to answer questions propounded or who may refuse to answer them. I think they should be in one category, whereas those who willfully or knowingly give incorrect answers or false testimony should be fined on a different scale. There is no proposal to reduce the maximum fine suggested in the bill of \$10,000 and one year's imprisonment or both, but simply to reduce the amount in the case of offenders who have merely neglected or refused to answer any questions that may be propounded by the census officers.

Mr. FLETCHER. I understand that, but I thought one amendment the Senator proposed was on page 10, in line 9.

Mr. PHIPPS. That was acted upon and agreed to.

Mr. FLETCHER. How much was that amount reduced?

Mr. PHIPPS. It reduced the amount from \$5,000 to \$1,000. That provision as amended will then go to the House, and there will be ample opportunity to discuss it both there and in conference, and determine what amount is correct and whether there should be a provision for imprisonment in addition to or in lieu of a mere financial fine.

Mr. FLETCHER. I am inclined to think that the amendment is not advisable. I think we had better keep it at \$5,000, because one of the chief difficulties of the bureau is in dealing with people who insist upon reducing the census number or increasing it and resorting to all sorts of means for that purpose, with the unlawful intent and purpose of bringing about errors in the census. I think such offenders should be punished pretty severely.

Mr. PHIPPS. May I say to the Senator that the point was made by the Senator from Georgia [Mr. GEORGE] that for that particular offense no imprisonment was provided? The adoption of the amendment will open the door so that the conferees, if they find it advisable to fix on some particular maximum fine, may also provide for imprisonment, in the judgment of the court.

Mr. HARRISON. May I ask the Senator from Colorado in this connection, if his amendment shall be adopted can he assure the Senate that the bill will finally go to conference?

Mr. PHIPPS. I should think so.

Mr. HARRISON. The Senator has no doubt but that the bill will go to conference?

Mr. PHIPPS. I myself have no doubt that bill will go to conference.

Mr. HARRISON. The Senator at least can assure the Senate that he will use his power and influence here to send it to conference?

Mr. PHIPPS. For what that may amount to, I shall be glad to do so.

Mr. JOHNSON. Mr. President, I do not want any misconception about the matter. I should say that there is no certainty that this bill will go to conference, and I want that distinctly understood. I am assuming that the question is asked in good faith, of course; but I do not want the Senator from Mississippi to be in error.

Mr. HARRISON. Of course, I am glad to have the correction of the Senator. I have feared that if the bill shall pass the Senate it might not go to conference, and I was delighted to hear the Senator from Colorado [Mr. PHIPPS], who is one of those who directs things on the other side of the Chamber, say that he would use his influence to send the bill to conference. Of course, I think the bill ought to go to conference after it shall have passed the two Houses.

Mr. PHIPPS. I appreciate the implied compliment of the Senator from Mississippi, though I can not quite agree that what he states is the fact. I have, however, interested myself to a slight extent in the bill, and my opinion is that after it has been considered in the House there will be disagreements that will put the bill into conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PHIPPS].

The amendment was agreed to.

Mr. WAGNER. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the junior Senator from New York will be stated.

The LEGISLATIVE CLERK. The Senator from New York offers the following amendment:

On page 4—

Mr. HARRISON. Mr. President, the amendment which is proposed by the Senator from New York is one of the most important amendments, it seems to me, to be considered. We ought to have a quorum present. I do not know how long the discussion on the amendment is going to take, but I should not think it would take any great length of time. Certainly those who propose the amendment, however, ought to be heard by a respectable number of Senators, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Smith
Ashurst	Frazier	McKellar	Smoot
Barkley	George	McMaster	Steck
Bingham	Gillett	McNary	Stelwer
Black	Glenn	Metcalf	Stephens
Blaine	Goff	Moses	Swanson
Blease	Goldsborough	Norbeck	Thomas, Idaho
Borah	Greene	Norris	Thomas, Okla.
Bratton	Hale	Nye	Townsend
Brookhart	Harris	Oddie	Trammell
Broussard	Harrison	Overman	Tydings
Burton	Hastings	Patterson	Tyson
Capper	Hatfield	Phipps	Vandenberg
Caraway	Hawes	Pine	Wagner
Connally	Hayden	Pittman	Walcott
Copeland	Hebert	Ransdell	Walsh, Mass.
Couzens	Heflin	Reed	Walsh, Mont.
Cutting	Howell	Robinson, Ind.	Warren
Dale	Johnson	Sackett	Waterman
Deneen	Jones	Schall	Watson
Dill	Kean	Sheppard	Wheeler
Edge	Kendrick	Shortridge	
Fess	King	Simmons	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present. The amendment offered by the Senator from New York [Mr. WAGNER] will be stated.

The LEGISLATIVE CLERK. On page 4, lines 2 and 3, it is proposed to strike out the words "without reference to the civil service or the classification acts," and to insert in lieu thereof "subject to the civil service laws but without regard to the classification act of 1923, as amended."

Mr. WAGNER. Mr. President, I desire briefly to state my purpose in offering the amendment. I shall not detain the Senate very long.

As the pending bill is now framed, all those in the field service who are to participate in the taking of the census, numbering approximately 100,000 employees, are to be appointed by the Director of the Census without regard to the civil service law. The proposed law now under consideration, which the distinguished Senator from Michigan [Mr. VANDENBERG] said goes as far as humanly possible to provide for an unbiased census, goes farther than any we have as yet had in excluding the civil service law from the Census Bureau. Heretofore, as to the field service, the law has been silent. No specific provision was made whether or not the civil service law should apply in the appointment of the employees. In the pending bill in order to make certain that no one shall raise the contention that the civil service law or the Civil Service Commission shall have anything to do with the qualification of these appointees, and in order to guarantee to the political leaders of the dominant party of the country that there shall be no civil-service test applied and that the appointments shall be made in accordance with the recommendations of such political leaders, the bill provides in definite terms that such appointments shall be made without regard to the civil service law.

It is true that the enumerators may be appointed by the Director of the Census or that the power of selection may be delegated by the director to the supervisors. That, of course, affords no protection at all, because even if that power be delegated to the supervisors, they being political appointees, the enumerators will also be political protégés, whether designated by the director or by the supervisors.

The experience of the past shows that the censuses which have been taken under similar circumstances have been disastrous not only because of the character of employees who took the census and because of extravagance and wastefulness, but also, which is more important, because of the absolute lack of confidence of the public in the accuracy of the census taken.

Mr. President, whenever the political party in power has the choice between taking a census by agencies free from political influence or control and taking a census by purely political appointees, and it chooses, as is proposed by the pending legislation, to adopt the latter method, namely, an enumeration by political appointees without regard to other qualifications than the recommendation of the political leaders, before the enumeration is ever taken it is bound to be discredited in the public mind. Furthermore, however fair the census might be, if after the enumeration is taken under those circumstances its inaccuracies should be disclosed to favor the party that took the census, they will be attributed by the public to political manipulation.

What answer is being made by those who desire the appointments to be made without reference to civil service? They say the appointments are temporary, and the time is short in which to apply the necessary tests, and therefore it is impracticable to give to the Civil Service Commission the power to employ examinations of capacity as well as character.

The Civil Service Commission itself answers that question. After all, it is an agency created by this Government to take charge of the employment functions of our Government; and I take it that at this late day I need not argue here or anywhere the superiority of the merit system over the spoils system in the selection of employees in our civil service. The merit system has become an integral part of our form of government. But because of a question as to the practicability of making the tests was raised, I inquired of the Civil Service Commission and I received an answer in which it said as follows:

The census act for the Thirteenth Census required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census.

That is the 1910 census, to which I will refer in a moment.

The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations, and by selection from the head of the register, with due regard to the apportionment. The 71,500 census enumerators in that census, and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States.

There is the answer—that it has already been done—and, in view of the past record, the argument that it is impracticable can not be made with sincerity.

The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census. The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census, and that, where necessary, exceptions could be made from competition by action of the commission.

Your amendment is therefore favored.

By direction of the commission.

Mr. KING. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. KING. My recollection is that a few weeks ago a colloquy occurred upon the floor of the Senate growing out of a communication addressed by the Senator from Pennsylvania [Mr. REED] to Mr. Steuart, the Director of the Census Bureau. Complaint was made by the distinguished Senator from Pennsylvania—and I regret that he is not here at the moment—that he had not been consulted, or that the Republicans had not been consulted, in the matter of selecting persons for appointment for the census and for the enumeration. My recollection is that the colloquy disclosed the fact that the Director of the Census had capitulated, and that it had been agreed that this census was to be taken under the spoils system, and that the Republicans were to have the designation of those who should receive appointments.

I was wondering if the Senator has received any information as to any change of heart in this respect; whether there is anything to indicate a purpose upon the part of our Republican brethren and the Republican administration to permit this census to be taken by persons competent and qualified to take it, or whether we are to proceed upon the theory that the census is to be taken solely by Republicans, regardless of their competency or their qualifications.

Unless the Senator is advised that there has been some change of heart upon the part of the Republican machine, the Republicans who control the administration, I think he is wasting his efforts in trying to secure the adoption of any amendment that would provide for a fair and a just census.

The Senator knows that complaints have been made about some preceding censuses because of the frauds that were connected with them. Why is the Senator wasting his efforts without ascertaining what the Republican organization has determined upon? Of course, he is right; but, so far as I can discover, there is no purpose to have a census conducted by men and women of efficiency, men and women who have passed the civil-service examination, but the census must be taken by Republican—shall I say—politicians and appointees of Republican politicians.

I ask for information whether the Senator has any information that will enlighten me?

Mr. WAGNER. Mr. President, I have not the information which the Senator seeks, but I retain my confidence in the Members of this body, and that confidence will not be shattered until after this vote is taken on the amendment I propose, in the event it is adverse. If ever there was a measure proposed here which presented clearly the issue between the adoption of the old spoils system, long discarded, and the merit system, it is embraced in the bill and the pending amendment, and no amount of petty distinctions can cloud that issue.

Mr. FLETCHER and Mr. COPELAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. WAGNER. I do.

Mr. FLETCHER. I just wanted to inquire of the Senator if he had examined the precise language of the bill? At the hearings this subject was raised in connection with this bill, and the chairman asked this question:

The bill as it passed the House provided, on page 3, in line 8, as follows:

"That all such clerical, mechanical, and subclerical appointments shall be made in conformity with the civil service laws and rules."

The director has suggested that that language be changed so that it may read as follows:

"That all such temporary appointments shall be made in conformity with the civil service laws and rules."

I take it that means exactly the same thing.

Senator BURTON. It will make it all inclusive.

Mr. STEUART. That is all inclusive, and it covers all temporary employees for the 3-year census period.

Senator BURTON. Yes.

The CHAIRMAN. Page 4, lines 1 to 10, is a change in the bill as it passed the House. Will the director explain the reason for that?

Mr. STEUART. The old law provided that employees of the Post Office Department may, with the consent of the Postmaster General in cases of necessity and far distant or outlying localities, be appointed, and the compensation, and so on. At the time that law was drafted in the House we were not aware of the extent to which in the future we would want to utilize employees of other departments. For instance, in taking the census of Alaska, I have arranged with the Governor of Alaska to employ some of the people in the employ of the Territorial government. I have arranged with the Bureau of Fisheries to employ some of the men in the Bureau of Fisheries engaged in supervising the fishing up there, and other branches of the service. Those employees who do that census work should be compensated for it.

Then in the Indian Service I want to make arrangements with the Indian Bureau for the Indian agencies on the reservations to take the census of all people that are on the reservations; and this law enables me to utilize the people out of those other departments, where they can be utilized to advantage.

Under the old law we were confined to the Post Office Department employees. I think it is good legislation to put it in that way, so that these different activities of the Federal Government can be coordinated and cooperate in work that the Federal Government wants to have done.

And then Mr. Steuart said:

That applies only to field employees. It does not apply to employees in the District of Columbia.

Mr. WAGNER. Is that the temporary appointment provision?

Mr. FLETCHER. The provision now is:

That all such temporary appointments shall be made in conformity with the civil service laws and rules.

Mr. WAGNER. That is one of the jokers in the bill to which I should like to call the attention of the Senator. That does apply to the service in the District of Columbia, and here is what I regard as a joker. It may not be an intentional joker but it does open another patronage door. At least this much had been accomplished in the fight to put the taking of the census under the civil service:

The Washington office—the permanent office in Washington—was in 1910 put under the classified civil-service system, so that appointees in that particular bureau are there as a result of competitive examination. We thought that the Washington office of the Census Bureau was permanently freed from politics. Now, what is the joker in the bill? It does permit the Director of the Census to make temporary appointments for the office in the District of Columbia, which heretofore has been closed to the spoils system. Here is the way it is done: It gives the director power to make temporary appointments during the period of the census.

The word "temporary" would indicate to you, perhaps, two or three months; but in the very bill before us the period of the census is defined as three years. Temporary appointments may be made without a competitive examination even if civil service laws apply. They are made by the head of the department; so that under this bill he has the power to make an unlimited number of appointments in the District of Columbia office without any competitive examination, because they are designated as temporary appointments. In effect, the language of the bill declares that a 3-year appointment to the Washington office shall be regarded as temporary, and therefore free from examination. Of course, the moment you take the word "temporary" out of the bill—

Mr. BURTON. Mr. President, will the Senator pardon me for a question? Let me call his attention to a provision in the bill. He is in error in saying that these temporary appointments are free from civil service.

On page 3, at the top of the page, it is provided:

In addition to the force hereinbefore provided for, there may be appointed by the Director of the Census, without regard to the provisions of the classification act, for any period not extending beyond the decennial census period, at rates of compensation to be fixed by him, as many temporary employees in the District of Columbia as may be necessary to meet the requirements of the work: *Provided*, That census employees who may be transferred to any such temporary positions shall not lose their permanent civil-service status by reason of such transfer.

That clearly provides that they are taken from the list of those who are now serving under civil-service appointments. He does not have the authority to go out and choose outside the civil service laws under that provision.

Mr. WAGNER. If the Director of the Census says that the appointment of temporary employees will be confined to trans-

fers from other civil-service positions, then, of course, I am mistaken about my construction of the statute, but if the Senator will read the bill he will find it does not say anything of the kind. It reads:

In addition to the force hereinbefore provided for, there may be appointed by the Director of the Census, without regard to the provisions of the classification act, for any period not extending beyond the decennial census period, at rates of compensation to be fixed by him, as many temporary employees in the District of Columbia as may be necessary to meet the requirements of the work.

And that is the end of that. That is a clear bestowal of authority upon him. Then it also provides that if employees are transferred from other departments, they will not lose their permanent civil-service status. Those are two separate questions. The first, if the Senator will study it a little further, he will see, opens the door for temporary employees, appointments of whom may be made without any competitive examination, and there will be no limit to the number except as provided in the appropriations.

Mr. BURTON. Mr. President, if the Senator will yield again, there is another provision, at the end of the paragraph, lines 18 to 20:

Provided further, That all such temporary appointments shall be made in conformity with the civil service laws and rules.

Mr. WAGNER. I saw that; I have not overlooked that. But does the Senator know what the civil-service rules are with regard to temporary appointments?

Mr. BURTON. This is broader than temporary appointments; it brings all employees under the civil service laws and rules. In other words, the appointments made here in the District of Columbia are all to be under civil service; outside they are not.

Mr. WAGNER. The fact that the Senator says so does not settle it. As a matter of fact, the only reason that I can see for the choice of the word "temporary" is to dispense with a competitive test. If the Senator will inquire of the Civil Service Commission, he will be informed that where an employee is designated as a temporary employee, he may be appointed by the head of the department without any civil-service test.

Mr. VANDENBERG, Mr. LA FOLLETTE, and Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. I will ask the Chair to decide who addressed the Chair first.

Mr. VANDENBERG. Mr. President, on this immediate point, if I may call the Senator's attention to Director Steuart's testimony before the committee, at page 45—

Mr. WAGNER. Mr. President, I want to say to the Senator that in my discussion here I am confining myself to the bill which is before us, not the interpretation of the Director of the Census, or his promises that, although he is given a free hand, he is going to provide some test. I am not bound by the interpretation of a man who seeks this tremendous power, nor do I think it wise to rely on mere promises rather than on law in matters relating to civil-service examinations.

Mr. VANDENBERG. I understood the Senator to say a moment ago that he would be very glad to see a statement from the Director of the Census bearing on the status of these employees. Now, I understand he does not care to see a statement from the Director.

Mr. WAGNER. That is not what I said. I will hear the statement, but I want to forewarn the Senator that that is not conclusive upon me.

Mr. VANDENBERG. I will at least call his attention to the fact that Mr. Steuart, who, in my judgment, is a thoroughly honorable man—

Mr. WAGNER. Have I said anything to the contrary?

Mr. VANDENBERG. May I not testify to the fact that he is honorable without starting a controversy?

Mr. WAGNER. Certainly.

Mr. VANDENBERG. I call the Senator's attention to the fact that Mr. Steuart announces emphatically, in response to a specific question, that all of the temporary employees will be taken from the civil-service list.

Mr. WAGNER. If that is so, the way to insure it is to write it into the law. Why pass a bill which would give him the power to make the appointments without competitive tests, and then rely merely upon a promise that such tests will be applied? Why not have the Civil Service Commission provide the test?

Mr. VANDENBERG. I would not want the Senator to misunderstand the quotation. It applies to District of Columbia appointments, which we were recently discussing.

Mr. WAGNER. I have not reached the others yet.

Mr. LA FOLLETTE. Mr. President, will the Senator yield there?

Mr. WAGNER. Certainly.

Mr. LA FOLLETTE. I would like to point out to the Senator that even though the contention of the Senator from Ohio and of the Senator from Michigan be correct, so far as employees in the District of Columbia are concerned, the juiciest bits of patronage under this bill are the enumerators who are out in the country, and already, although I receive no patronage and most everyone in Wisconsin knows that I receive no consideration with regard to patronage, I have had letters requesting my influence in the appointment of enumerators. I have replied, as I always do, that because of my independent position here in the Senate I am not consulted concerning patronage matters in Wisconsin. The point I wish to bring to the Senator's attention is that this vast army of enumerators is to be appointed on a political basis.

Mr. WAGNER. I have not reached that point yet, but I will.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. WAGNER. I yield to the Senator.

Mr. HARRIS. I wanted to make a statement about two matters just referred to in this debate. The first relates to a provision found on page 3, line 8, as follows:

That census employees who may be transferred to any such temporary positions shall not lose their permanent civil-service status by reason of such transfer.

I do not think either the Senator from Ohio or the Senator from New York understood just what that section relates to. The permanent employees of the Census Bureau are trained and understand how to take the decennial census, and for that reason they are placed in the most important positions connected with the work. It is impossible, in the short time at their command, for the Census Bureau to take new men and women and train them in taking the decennial census so that they will be qualified to be put in charge of the work—all work in the office as well as in the field. For that reason they have to take the regular trained employees in the Census Bureau and put them at the head of the different divisions, not only in the bureau but throughout the country. There are no more able and conscientious employees in the Government service.

I wanted to say further to the Senator from New York, and without discussing the merits of the amendment under consideration, but in response to his criticism of Mr. Steuart, the Director of the Census. If the Senator will pardon a personal reference, when I was Director of the Census under President Wilson, Mr. Steuart was one of my assistants. He had been there many years before I took charge. He is one of the ablest, best, and most conscientious men I have met in public life; and if the matter is left to him, we may depend absolutely upon his doing what is the very best thing for the Government. Mr. Steuart has been connected with the Census Bureau for many years. He understands every part of the work, and no one is better fitted by experience or ability to discharge the duties as director in charge of the decennial census.

Mr. WAGNER. I have no doubt that whatever the Senator says about Mr. Steuart is correct, but I want to relieve Mr. Steuart of that tremendous political pressure. No one having this kind of patronage at his command has ever heretofore been able to withstand the temptation to make all the appointments without any competitive test.

Mr. KING. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. KING. I have to leave the Chamber in a few moments, and I want to make a suggestion to the Senator now, with his permission.

I ask the Senator whether his amendment contains a provision to this effect, and if not, whether he would be willing to add to his amendment a provision to this effect, that if his amendment prevails, and if the census enumerators and the other employees who are selected are under the civil service and have a civil-service status, that as soon as their work is finished in taking the census, they shall claim no privileges and have no privileges and no benefits whatever by reason of their temporary civil-service status. I ask that for this reason: As the Senator knows, we had an enlargement during the war, and have had since, of the activities of many of the departments, and persons who have come in under a temporary civil-service status, with the understanding that when the duties of the particular positions for which they were selected were terminated, they would go out again and be relieved of any benefit which they had by reason of their having civil-service status,

nevertheless have construed the fact that they had a civil-service status as ground for being transferred, and as a ground for priority and preference in other activities where civil-service employees have been required. The result has been that we have cluttered up, if I may be permitted that expression, the civil-service list, and a large number have been added because of the temporary civil-service status which such people as those to whom I have referred have received. They have become sort of barnacle attachments to the civil-service list, and have priority to which they are not entitled.

I think the Senator should add to his amendment a provision that those who may be selected under the civil service for these particular jobs shall not, in virtue of that, claim any preference or have any preference or advantage whatever in the future where civil-service employees are required in any department or activity of the Government.

Mr. WAGNER. Mr. President, I may say to the Senator that the census employees will have absolutely no claim to any other positions even if appointed under civil-service rules. I am assured of that by the Civil Service Commission.

Mr. KING. I should think the amendment ought specifically to provide for that.

Mr. WAGNER. I have no objection to such an amendment. But I want to hurry on.

Mr. BLAINE. Mr. President, will the Senator yield to me?

Mr. WAGNER. I yield.

Mr. BLAINE. I hope the Senator from New York will not permit himself to be drawn aside from a discussion of the larger aspect of the provision contained on page 3.

Mr. WAGNER. I am coming to that, I assure the Senator.

Mr. BLAINE. If the Senator will permit me to suggest—and I think the chairman of the Committee on Civil Service will agree with me—the provisions on page 3 change the present law very slightly, if at all, but attach the present law to the measure providing for the taking of the census, without regard to the provisions of the classification act, and that the transfers that are made may be transfers from one department to another, or transfers from a certified list, all in conformity with the civil service laws.

It seems to me that there is not much necessity for exaggerating the importance of this; but I do want to suggest to the Senator from New York—and I will let him in on a little secret, if he will permit me to do so—

Mr. WAGNER. I would like to hear it.

Mr. BLAINE. Under the provisions of this bill in connection with supervisors and enumerators—and permit me to suggest, Mr. President, that the little secret I am going to let the Senator in on does not come from an executive session, so that I will not be subjected to the rigors of the rule—

Mr. WAGNER. I was about to warn the Senator.

Mr. BLAINE. The supervisors—and I am giving the effect of the measure—will be appointed by the Director of the Census. Those supervisors will be recommended by those who control political patronage. Then the enumerators are to be selected by the supervisors, but the supervisor is not to select any enumerator until he is advised whom the political patronage distributors want selected as enumerators. So it is simply a patronage pork-barrel provision, so far as supervisors and enumerators are concerned, and the little secret I have divulged to the Senator from New York is the designed plan of those who propose to administer this law. I say that and suggest that my statement can not be successfully challenged.

Mr. WAGNER. Mr. President, the only reason why I mentioned the provision with reference to the Washington office is that somebody, in his anxiety to have the civil-service tests absolutely removed in connection with the selection of any employee of the census, went a step farther than has ever been gone heretofore and made it possible to make temporary appointments even in the Washington office for a period of three years without any competitive test. That is the situation, and one can not by any amount of argument reach any other conclusion if the provisions of the bill are read carefully.

But let me go on to the agents. The argument is made that the agents are temporary employees for three months or six months or nine months, and so are the supervisors, and therefore this civil-service provision should not be applied. I read a moment ago a letter from the Civil Service Commissioners showing that they have ample time between now and the beginning of the enumeration to make the necessary tests to secure men qualified from the standpoint of character as well as capacity. These places are responsible places and should have in them men who are able to pass an intellectual test. But here, again, let me call attention to something that has not been mentioned. It relates to the special agents particularly. It is provided:

That special agents, supervisors, supervisors' clerks, enumerators, and interpreters may be appointed by the Director of the Census to carry out the provisions of this act and of the act to provide for a permanent Census Office, approved March 6, 1902.

What is provided in that act of 1902? After the special agents and interpreters finish the work called for under the census, which by the way may consume a 3-year period under the law, although their work may terminate before the expiration of that time, then they may continue to be employed under the act approved March 6, 1902, which provides for the taking of censuses of other matters of public interest outside of population and the other inquiries provided for by the pending census bill. There is no limitation under the bill upon the time for which the special agents may be appointed to serve. There is no civil-service test. Their appointments are distributed as political patronage and their tenure may be prolonged almost indefinitely, for after they have completed their work under the enumeration they may then be employed, at the discretion of the Director of the Census, for the following purposes: To collect statistics of defective, dependent, and delinquent classes, crime, social statistics of cities, public indebtedness, public valuation, taxation and expenditures, religious bodies—and, by the way, we had a report on that question only recently—electric light and power business, telephone and telegraph business, transportation by water, express business, street railways, savings banks and savings institutions, and mortgage, loan, and investment companies.

These agents may be sent throughout the country by the Director of the Census to make these additional enumerations which I have just mentioned. That is something which has not heretofore appeared.

It is proposed in this bill that we build a permanent census structure and put the spoils system into its corner stone, to remain there for all time. One hundred thousand employees are to be appointed throughout the country upon the recommendation of political leaders and bosses without the slightest competition whatever. It is unbelievable that after we have made the merit system a permanent part of our form of government this sort of legislation should be proposed.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. WAGNER. I yield.

Mr. SIMMONS. If the Senator is right about it, then this is a mere scheme to secure the employment by the Government of a large number of people, thousands of them, as patronage, and then cover them under what is practically the civil service. Is not that about the substance of it?

Mr. WAGNER. The door is opened. I read the provision of the bill.

Mr. SIMMONS. Would not that be the substantial effect of it? They are to be put in without standing any civil-service test, and when they have finished the temporary work to which they are assigned they are practically made permanent employees for a certain purpose.

Mr. WAGNER. They can be employed for the other purposes which I have enumerated, and there is no doubt about it.

Mr. DALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. WAGNER. I yield.

Mr. DALE. The question which the Senator from North Carolina asked the Senator from New York is exactly the question the Senator from Utah was talking about when he suggested that the Senator from New York amend his amendment in the particular he was discussing. I doubt if the employees mentioned would not be covered into the civil service the way the language is left as it now reads, and the Senator from Utah was suggesting an amendment which would prevent it, and asking the Senator from New York to accept the amendment.

Mr. SIMMONS. Technically they probably would not be covered into the civil service, but in effect they could be.

Mr. DALE. I think so. I think the suggestion of the Senator from Utah should be adopted.

Mr. NORRIS. Mr. President, may I interrupt the Senator from New York?

Mr. WAGNER. I am glad to yield to the Senator from Nebraska.

Mr. NORRIS. I may not be properly informed, but if I understand the situation the amendment of the Senator from New York would prevent all that, to begin with, by requiring the appointments to be made under the civil-service rule.

Mr. WAGNER. Yes.

Mr. NORRIS. Then the amendment suggested would be unnecessary, I should think.

Mr. WAGNER. I should think so; but to assuage the apprehension of any Senator I am willing to put in what is inevitable anyway.

Mr. NORRIS. Suppose the amendment of the Senator from New York should be agreed to and all the appointments made under the civil service, then if we had the suggested amendment, which would provide further that the employees not under the civil service should not be put under the civil service, that would cover the matter, it would seem to me.

Mr. DALE. I do not think the Senator from Nebraska understood the point.

Mr. WAGNER. I do not say that the additional enumerations and collections of statistics ought not to be made; quite the contrary. They are very important and should be made. What I say is that this language, "the act of 1902," which you find in the bill, has the effect of prolonging the employment of the political appointees. Under the bill the same special agent who is appointed for political reasons to take the enumeration may continue to do the other work authorized under the law of 1902.

Mr. DALE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Vermont?

Mr. WAGNER. I yield.

Mr. DALE. I am entirely in sympathy with what the Senator is trying to do with his amendment. I fear the Senator from Nebraska does not quite get the point. If the amendment of the Senator from New York should prevail and the appointees were covered into the civil service, there would be no way to keep them out of the civil service after the census was taken, but they would be on the permanent roll of the civil service. The suggestion of the Senator from Utah is that they be appointed under the civil service, but that it be provided that when their work is completed in the taking of the census they shall then go out of the civil service unless they are appointed in the regular way to some other position, so that the civil service will not be loaded up with 100,000 or more employees who could not be dismissed unless the amendment which he suggested is adopted.

Mr. WAGNER. When a supervisor appointed as a result of a civil-service examination to do the work of supervisor as defined by law completes his work, do not his services end?

Mr. DALE. No.

Mr. WAGNER. He has no right to continue in the civil service if the work for which he is appointed has been completed.

Mr. DALE. When a person is appointed under the civil service he has a permanent status.

Mr. WAGNER. On the list?

Mr. DALE. No; but he is in the civil service, and the only way to get him out is prefer written charges against him, and there is a lot of red tape and machinery to go through to do that. Unless there is some provision somewhere and the amendment of the Senator from New York is adopted these men will be covered into the civil service permanently, and it is not the intention to do that. The Senator from Utah suggests that the bill be made clear by an amendment to the amendment proposed by the Senator from New York.

Mr. WAGNER. I am quite willing to provide that when the work is concluded the services of the particular individual shall also terminate. I had assumed that the law so provided that where one is appointed for a specific piece of work, when that work is completed he is through.

Mr. DALE. No; that is not correct. All of the provision on page 3 is inconceivable to me. I do not see why it is in the bill. The civil service laws as they now stand cover everything found on page 3.

Mr. WALSH of Montana. Mr. President, may I suggest to the Senator if there is any question about it that the Senator from New York would be well advised to have a provision in his amendment to the effect that when their work is completed they shall cease to be in the civil service?

Mr. WAGNER. I am quite willing to do that. That is my purpose.

Mr. President, the observations which I have made that the political control of the census results in disastrous wastefulness and extravagance is based upon the experience of the past. The census of 1890 was taken under circumstances similar to those under which it is proposed to take the next census. All census employees assigned to the city of New York were appointed solely for political reasons. I wish to read just a paragraph from a book written by Mr. Foulke, former civil-service commissioner and member of the Civil Service Reform League. He had occasion as civil-service commissioner, because of complaints made with reference to the 1890 census, to make an in-

vestigation of conditions then prevailing. Let me read a note which the supervisor, whom the Senator from Michigan [Mr. VANDENBERG] is creating under this bill, sent to the political leaders of each ward in New York County:

DEAR SIR: You will please forward to this office a list of the applicants that the Republican organization in your district desires to have named as enumerators. This list must be sent here on or before April 30.

The list was sent by the political leaders and the recommended enumerators were appointed. Subsequent investigation showed that a number of those who were acting as enumerators were men with criminal records, ex-convicts. Yet they were recommended to the people dwelling in New York as trustworthy to enter their homes and take the census enumeration. So scandalous was this enumeration in the city of New York in 1890 that as a result of public demand the mayor of New York City had a census taken about a month or two subsequent to the census taken under the act of 1890.

At that time the city of New York consisted of a population of a little more than 1,000,000 people. It was not the large city it is to-day. It comprised then only New York County and Bronx County. The subsequent city census disclosed that over 200,000 people living in the old city of New York were not put upon the rolls at all. The census figures, as it was confessed subsequently by some of the political leaders, were deliberately lowered so as to deprive the Democratic city of New York of its proper representation in accordance with its population. Similar instances occurred elsewhere in the taking of the census of 1890.

Let us proceed to the census of 1900; what happened in connection with the taking of the census of that year? In one of the counties of Maryland the Republican leaders wanted the census figures to show an increase in population because they desired to augment in their own State legislature the representation from that particular county. At that time in Maryland the Federal census was used as a basis for State apportionment. The scandalous conditions in that county were subsequently investigated by a grand jury. The enumerators who took that census were appointed by political leaders, just as similar appointments are to be made under the pending bill. The evidence presented to the grand jury and the confessions made by the enumerators themselves, who said that the political leaders had directed them to do what they had done, showed that the enumerators canvassed the cemeteries and put upon the census roll the names they deciphered on the tombstones. They canvassed country hotels where tourists were spending two or three days at a time and added their names to the roll. In their effort to obtain as many names as they could they went so far as to include on their rolls the name of a lady who had just died there. She was buried during the time the enumeration was being taken. An undertaker from Washington came to bury her. The enumerators, in need of all the names they could find, put the deceased lady's name on the roll, although she was being buried. The enumerators also took the names of the undertaker and two assistants who had come from Washington and put them on the roll. That was the result of the political appointment of enumerators.

I have before me the report of the grand jury in that case, and I should like to read a brief extract from it. This scandal occurred in Charles County. The Federal grand jury in concluding its report, after making an investigation into this fraudulent and scandalous census, made this statement:

So long as such appointments are treated as part of the spoils of politics—

This is a warning to the Senate—

the recurrence of such frauds and scandals as have been revealed by our investigation may be expected.

After these disclosures, in 1909 the Congress passed another act providing for the taking of the census and sent it to President Roosevelt in the closing days of his administration. That measure provided, as this bill provides, for appointments under the spoils system. I am but voicing the unanimous tribute of all when I say that President Roosevelt was one of our most illustrious Americans, and history has already accorded him a distinct place as one of our greatest Presidents. He sent a message to Congress vetoing that spoils system bill. So that I may not misquote what he said, and as his message is not very long and I think very instructive, I shall ask the clerk if he will not be kind enough to read the veto message of President Roosevelt of the census bill of 1909?

THE VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk read as follows:

SPECIAL MESSAGE

To the House of Representatives:

I herewith return, without approval, H. R. 16954, entitled "An act to provide for the thirteenth and subsequent decennial censuses." I do this with extreme reluctance, because I fully realize the importance of supplying the Director of the Census at as early a date as possible with the force necessary to the carrying on of his work. But it is of high consequence to the country that the statistical work of the census shall be conducted with entire accuracy. This is as important from the standpoint of business and industry as from the scientific standpoint. It is, therefore, in my judgment, essential that the result should not be open to the suspicion of bias on political and personal grounds; that it should not be open to the reasonable suspicion of being a waste of the people's money and a fraud.

Section 7 of the act provides in effect that appointments to the census shall be under the spoils system, for this is the real meaning of the provision that they shall be subject only to noncompetitive examination. The proviso is added that they shall be selected without regard to political party affiliations. But there is only one way to guarantee that they shall be selected without regard to politics and on merit, and that is by choosing them after competitive examination from the lists of eligibles provided by the Civil Service Commission. The present Director of the Census in his last report states the exact fact about these noncompetitive examinations when he says:

"A noncompetitive examination means that everyone of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation."

To provide that the clerks and other employees shall be appointed after noncompetitive examination, and yet to provide that they shall be selected without regard to political party affiliations, means merely that the appointments shall be treated as the perquisites of the politicians of both parties, instead of as the perquisites of the politicians of one party. I do not believe in the doctrine that to the victor belong the spoils; but I think even less of the doctrine that the spoils shall be divided without a fight by the professional politicians on both sides; and this would be the result of permitting the bill in its present shape to become a law. Both of the last censuses, the eleventh and the twelfth, were taken under a provision of law excluding competition; that is, necessitating the appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization. Mr. Robert P. Porter, who took the census of 1890, states that—

"The efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employees should be selected in accordance with the terms of the civil service law."

Mr. Frederick H. Wines, the Assistant Director of the Census of 1900, states as follows:

"A mathematical scale was worked out by which the number of 'assignments' to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican State and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had 'passed' and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing."

Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890, estimates that \$2,000,000 and more than a year's time would have been saved if the census force had been brought into the classified service, and adds:

"I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil-service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months, and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made and in the absence of any necessity for the increase of the force, 389 new appointments were made."

This, of course, meant the destruction of economy and efficiency for purely political considerations.

In view of the temporary character of the work, it would be well to waive the requirements of the civil service law as regards geographical

apportionment, but the appointees should be chosen by competitive examination from the lists provided by the Civil Service Commission. The noncompetitive examination in a case like this is not only vicious, but is in effect a fraud upon the public. No essential change is effected by providing that it be conducted by the Civil Service Commission; and to provide that the employees shall be selected without regard to political party affiliations is empty and misleading, unless at the same time it is made effective in the only way in which it is possible to make it effective—that is, by providing that the examination shall be made competitive.

I also recommend that if provision is made that the census printing work may be done outside the Government Printing Office, it shall be explicitly provided that the Government authorities shall see that the 8-hour law is applied in effective fashion to these outside offices.

Outside of these matters, I believe that the bill is, on the whole, satisfactory and represents an improvement upon previous legislation on the subject. But it is of vital consequence that we should not once again permit the usefulness of this great decennial undertaking on behalf of the whole people to be marred by permitting it to be turned into an engine to further the self-interest of that small section of the people which makes a profession of politics. The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident in the case of a great public work like the taking of the census, a work which should emphatically be done for the whole people and with an eye single to their interest.

THEODORE ROOSEVELT.

THE WHITE HOUSE, February 5, 1909.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from New York yield to the Senator from Massachusetts?

Mr. WAGNER. I yield.

Mr. WALSH of Massachusetts. I have not had an opportunity to hear all of the very able speech made by the Senator from New York, but I should like to inquire of him if anybody has suggested a better system under which to select employees charged with the duty of taking the census than that of selecting them after civil-service examination and under civil-service rules and regulations?

Mr. WAGNER. A better system?

Mr. WALSH of Massachusetts. Yes.

Mr. WAGNER. No. I think the bill suggests a worse system. The bill provides for the spoils system; there is no question about that.

Mr. WALSH of Massachusetts. It is a fact, then, that the only opposition to his amendment of which the Senator has been able to learn is the spoils-system opposition?

Mr. WAGNER. I do not care to characterize the opposition, but that would be my opinion. I do not say that Senators, in voting on the question, will be guided by that reason, but they are misled into believing that the pending measure is not a spoils-system bill.

Mr. WALSH of Massachusetts. In other words, the bill as reported by the committee leaves the door open for all of these appointments to be made upon the basis of political favor?

Mr. WAGNER. It not only leaves the door open but absolutely provides for it, because the bill itself contains a distinct declaration that all of the field appointments, numbering over a hundred thousand, shall be made without reference to the civil service law.

Mr. WALSH of Massachusetts. I understand that; and that means, of course, that the officials who have charge of taking the census will make these selections.

Mr. WAGNER. Absolutely.

Mr. WALSH of Massachusetts. And, because they are not acquainted with the various applicants, they will be governed somewhat by political recommendations. Is that true?

Mr. WAGNER. I think that is putting it mildly.

Mr. NORRIS. Mr. President, I think the Senator ought to amend that.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. WAGNER. I do.

Mr. WALSH of Massachusetts. I shall be pleased to amend my question.

Mr. NORRIS. The Senator ought to strike out the word "somewhat."

Mr. WALSH of Massachusetts. I was having some consideration for the members of the committee who have been silent and have failed to make any explanation of the omission from this bill of a requirement that these appointments be made under civil service. I notice that no minority report has been made by the members of the Committee on Commerce. Does

that indicate that the committee are unanimous in favoring the system that has been outlined in this bill?

Mr. WAGNER. I may say to the Senator that I have no way of knowing how the committee stood upon that question. I am not informed.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wisconsin?

Mr. WAGNER. I do.

Mr. LA FOLLETTE. The roll call will disclose at least one member of the Commerce Committee who will support the amendment of the Senator from New York.

Mr. WALSH of Massachusetts. I rather assume that the roll call will disclose more than one member of the Committee on Commerce who will take that position; but I have been trying to learn if there was any discussion of the subject in the Committee on Commerce; and if so, how many of the members favored the incorporation of some such amendment as that proposed by the Senator from New York, and how many were opposed to it? Is there any roll call on that score?

Mr. LA FOLLETTE. Mr. President, I was not present during the consideration of this bill at the last session of Congress. At this session my recollection is that no amendment was proposed along the line suggested by the Senator from New York. So far as the Senator from Wisconsin is concerned, he felt that the matter would better be threshed out on the floor than in the committee.

Mr. WALSH of Massachusetts. So there was an implied understanding that the matter should be left to the Senate as a whole?

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from California?

Mr. WAGNER. I yield to the Senator from California.

Mr. JOHNSON. I do not know that I am able to answer the various queries that have been propounded by the Senator from Massachusetts, because all of the time that bill was under consideration, perhaps, I was not present; but I think I may say to him that there was no opposition—at least no open opposition—in the Commerce Committee to the provisions of the bill, and that the bill was reported with substantial unanimity. There was just one question, not related to this at all, upon which there was a slight debate, and upon which there was a roll call or a showing of hands and a division of opinion.

Mr. WALSH of Massachusetts. Of course, the Senator realizes that during the last session of the Congress the subject was discussed on several occasions upon the floor, and that an amendment was offered at that time, and has been pending since the last session, which in substance is the same amendment offered by the Senator from New York.

Mr. JOHNSON. Does the Senator mean to this bill?

Mr. WALSH of Massachusetts. Yes.

Mr. JOHNSON. It was not pending before the Commerce Committee—I can tell the Senator that—nor was it suggested there.

Mr. WALSH of Massachusetts. I am sure the Senator is not unmindful of the fact that the former Senator from Maryland, Mr. Bruce, again and again addressed the Senate at length upon this subject and urged and insisted that he would urge the incorporation of some such amendment.

Mr. JOHNSON. Yes; I think I recall that; but if it was recalled by any other individual upon the Commerce Committee, he said nothing respecting it.

Mr. WALSH of Massachusetts. I take it, then, that the position of the committee is that it is a matter of such importance that it should be discussed and voted upon by the Senate as a whole rather than being determined upon any recommendations from the committee?

Mr. JOHNSON. In so far as I had anything to do with the bill, that is my desire; and from the time of the presentation of the amendment I have constantly, I think, in the brief conversations I have had with the Senator from New York, suggested the fullest discussion; and, in order that I might present the views of the department, I asked the Director of the Census and those who were acting with him to come to my office and to explain to me the reasons why they asked for the provisions of the bill that are found now within it; and when the Senator from New York concludes I shall be very glad to explain their viewpoint.

Mr. WAGNER. Which will be in a moment.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WAGNER. I yield.

Mr. McKELLAR. I have not heard all of the Senator's argument, but I call his attention to the fact that if his amend-

ment is adopted a good deal more of the bill will have to be stricken out, because, if it were left as it is, we would have conflicting provisions of this kind.

On page 4:

The Director of the Census may delegate to the supervisors authority to appoint enumerators.

And there are quite a number of subsequent provisions that I think will have to be stricken out if the Senator's amendment is adopted; and let me say while I am on my feet that I am in very hearty sympathy—

Mr. WAGNER. The Senator is looking at the section that has to do with appointments?

Mr. McKELLAR. I am.

Mr. WAGNER. Well, the director appoints. I simply desire to amend the bill so that the Civil Service Commission holds the examinations, makes the tests, and certifies the names to the director.

Mr. McKELLAR. Yes; but unless this subsequent language is stricken out we would have conflicting provisions in this bill.

Mr. WAGNER. I do not think so, Mr. President; but I will take up that matter and consider it.

Mr. McKELLAR. If the Senator will look at it I am quite sure he will find other clauses that must be stricken out.

While I am on my feet, let me say that I am in very hearty sympathy with the Senator's position. I think he is doing a splendid work in bringing the matter before the Senate. I think the Senate ought to adopt it by all means. Our experience in the past teaches us that where the census has been taken under the spoils system there have always been great abuses. There will be great abuses in this instance. If, for instance, the Director of the Census may delegate to the supervisors authority to appoint enumerators, and if they are appointed entirely from the political standpoint, unquestionably there will be great abuses; and I hope the Senator's amendment may be adopted.

Mr. WAGNER. I thank the Senator.

Mr. BLACK. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. WAGNER. I yield.

Mr. BLACK. The question was asked of the Senator whether another method had been suggested than the method of competitive examination under the civil service. Evidently it had been forgotten at that time that the Senator from Pennsylvania [Mr. REED] some few months ago did suggest a better plan; at least, he considered it better.

I desire to read—it will take just about a half minute—from a letter written by the Senator from Pennsylvania to Hon. S. G. PORTER, House of Representatives, and Hon. W. M. Stewart, Director of the Bureau of the Census, February 9, 1929, in which the Senator from Pennsylvania said in part as follows:

If the appointments are to be made on a political basis, with adequate guaranties that the work shall be done efficiently, I shall expect to be consulted before any appointments are made or any eligible list is prepared in Pennsylvania.

Mr. JOHNSON. Mr. President, my attention was distracted. Will the Senator do me the kindness to tell me what he is reading from?

Mr. BLACK. The question was asked of the Senator from New York whether any better method had been suggested by anyone for the selection of these employees than that of the civil-service competitive examination. I was reading an extract from a suggestion made by the Senator from Pennsylvania [Mr. REED] as to the proper method of appointment.

Mr. JOHNSON. Oh, this was the controversy between Senator Bruce and Senator REED?

Mr. BLACK. No; this was the letter in which the Senator from Pennsylvania complained to the Census Bureau that they were about to appoint Democrats. I am just about to read that now. I will read it again, so that the Senator will hear it all:

If the appointments are to be made on a political basis, with adequate guaranties that the work shall be done efficiently, I shall expect to be consulted before any appointments are made or any eligible list is prepared in Pennsylvania, and I shall insist that the Republican Members of Congress and the Republican organization in Pennsylvania be consulted in connection with the preparation of eligible list and the selection of those who are to conduct the enumeration.

Then, going down to another paragraph:

Finally, I will not consent under any circumstances to the arbitrary reappointment by the Census Bureau of Democratic political appointees

employed in connection with the 1920 census, nor do I think this will be countenanced by the President elect or my colleagues in Congress.

And the Senator suggested there that he expected to take up the matter with the President; and now the bill comes in to leave the matter purely up to the political leaders of the State of Pennsylvania and other States. So I assume, in answer to the Senator from Massachusetts, that it might well be said that a plan which is thought to be better by the majority party has been suggested, and that suggestion is to let the majority party name all the employees.

Mr. WAGNER. Mr. President, I have already taken up too much of the time of the Senate, and I shall close with just this statement:

Let us look at this census bill earnestly. It is not an ordinary routine measure. It is not of a temporary nature which makes provision for but a single instance. When this bill passes, it will write permanent law on the statute books. Not only the fifteenth census but every subsequent one is to be governed by the provisions of this bill. The bill determines every future apportionment of Congress. It establishes the membership of every future electoral college. Examine closely the machinery that the bill creates—an army of 100,000 enumerators, special agents, interpreters, clerks, and supervisors.

Who fills the ranks of this army? Who appoints the supervisors? The Director of the Census, through political channels. Who appoints the supervisors' clerks? The Director of the Census, through political channels. Who appoints the interpreters and special agents? The Director of the Census, through political channels. And who is this almighty and all-powerful Director of the Census? He is the political appointee of the President.

Step back and look at this creation in its true perspective. You have evolved an instrumentality of politics and patronage of gigantic proportions, and you have placed a controlling lever in the hands of the President without imposing upon him any responsibility. To what end? To give us the inevitably extravagant, suspected, biased, and partisan census upon which will, in part, depend the strength of the President's party in Congress and the composition of the electoral college which is to choose the President's successor.

Can it be that such was the deliberate design of those behind the scenes who drafted this measure and who wrote into it the express direction that the spoils system, and only the spoils system, shall prevail in the Census Bureau? Is there no method superior to the spoils system? Have we never heard of the merit system, which has been developed and improved and perfected during the last half century? Is it really necessary that we resort to the refuse heap of discredited and discarded governmental devices, where the spoils system lingers in its rotten state, and drag it, with all of its decay, into the main hall of government?

Mr. President, that presents this issue—an issue as sharp and as clear as a razor edge. Are you for the merit system, or are you for the spoils system? The choice is before you. You are free to make it. You are at liberty to prefer a political census or a census free from politics; a partisan census or a nonpartisan census; a census under suspicion from the day of its inception or a census enjoying the faith and credit of our people; a biased census or an unbiased census; the performance of a constitutional duty or the distribution of picaune patronage.

Mr. President, as suggested by the Senator from Utah and the Senator from Montana, I would like to add to the amendment which I have offered the provision which I send to the desk. I ask the clerk to read the amendment as modified.

The CHIEF CLERK. The amendment heretofore offered by the Senator from New York [Mr. WAGNER] is modified to read as follows:

On page 4, lines 2 and 3, strike out the words "without reference to the civil service or the classification acts," and insert in lieu thereof the words "subject to the civil service laws but without regard to the classification act of 1923 as amended, and without giving the appointees under this provision a status for transfer to other positions."

PRIVILEGES OF THE SENATE FLOOR

Mr. LA FOLLETTE. Mr. President, I am sorry the only Senator from Pennsylvania is not present, because I desire to take up for a brief discussion the matter which was referred to yesterday concerning the publication of the roll call or a purported roll call of the Senate on the Lenroot nomination.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. DILL. If the Senator will yield, I should like to make the point of no quorum in order that Senators may be here.

Mr. LA FOLLETTE. I do not like to have Senators brought in. I am sure the Senator from Pennsylvania will come in.

Mr. DILL. I think other Senators are deeply interested in this subject and would like to be present.

Mr. LA FOLLETTE. If the Senator insists, I will yield for that purpose.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fletcher	La Follette	Smith
Ashurst	Frazier	McKellar	Steck
Barkley	George	McMaster	Stelwer
Bingham	Gillett	McNary	Stephens
Black	Glen	Metcalf	Swanson
Blaine	Goff	Moses	Thomas, Idaho
Blease	Goldsborough	Norbeck	Thomas, Okla.
Borah	Greene	Norris	Townsend
Bratton	Hale	Nye	Trammell
Brookhart	Harris	Oddie	Tydings
Broussard	Harrison	Overman	Tyson
Burton	Hastings	Patterson	Vandenberg
Capper	Hatfield	Phipps	Wagner
Caraway	Hawes	Pine	Walcott
Connally	Hayden	Pittman	Walsh, Mass.
Copeland	Hebert	Ransdell	Walsh, Mont.
Couzens	Heflin	Reed	Warren
Cutting	Howell	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Schall	Wheeler
Dill	Kean	Sheppard	
Edge	Kendrick	Shortridge	
Fess	King	Simmons	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, there is a quorum present.

Mr. LA FOLLETTE. Mr. President, on yesterday afternoon there was some discussion of the action of the Committee on Rules of the Senate in barring Mr. Mallon, a representative of the United Press, from the privileges of the floor of the Senate.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BINGHAM. I am sure the Senator wants to be fair. The Committee on Rules took no action against Mr. Mallon. What the Committee on Rules did was to vote that the privileges of the floor should be denied to the United Press.

Mr. LA FOLLETTE. Mr. President, I desire to be meticulous in my statements concerning this matter, and I thank the Senator from Connecticut for correcting me. Nevertheless, the effect of the action was the same, because, as the Senator from Connecticut well knows, the United Press Association nor any other association engaged in gathering news in this country, would discharge an employee because he had done a particularly effective piece of newspaper work. Mr. Mallon will continue to be in the gallery regardless of whether the association has been barred from the floor or not.

Nevertheless, this matter came up, and it was stated by the Senator from Pennsylvania [Mr. REED], who acted under instructions from the committee in reporting a resolution, that the committee intended to call Mr. Mallon before it in conducting its investigation into the source of the information concerning the publication of the roll call on the Lenroot nomination. So far as I am personally concerned, I have no objection to that action. There are several observations, however, which I would like to make concerning the policy to be followed if an investigation is to be conducted.

In the first place, the action of the committee, as I see it, starts at the wrong end of the skein in attempting to unravel this problem. As I stated yesterday upon the floor of the Senate representatives of the press take no oath to support the Constitution, they are not obligated, either directly or indirectly, to observe the rules of the Senate. As I view it, they are here as the eyes of the public of this Nation, observing and reporting daily the activities of the chosen representatives of the people of this legislative body.

The committee proposes, by its action, to give the Senator or group of Senators, or the employee or group of employees, who may have violated the rule, an anonymous slap on the wrist, by declaring that if any of them, not named, have violated the rule they are subject to the censure of the Senate.

They announce that they intend to proceed to conduct an investigation by calling as their first day's work a single witness, Mr. Mallon, one of those who signed his name to the dispatch containing the names of the Senators who voted on the Lenroot nomination.

Mr. President, if the premise of the committee is sound that a newspaper man violates his privilege and his right to the floor

or to the press gallery by printing a dispatch stating how a Senator voted in executive session, then no distinction can be made when a representative of the press prints a story concerning what occurred in executive session purporting to tell what arguments were advanced by certain Senators and what arguments were advanced to meet those arguments by other Senators, and a report showing how Senators voted.

Although I have not completely searched the newspapers and the records, I venture the assertion that there has not been, since the adoption of the secrecy rule, an important discussion in executive session of the Senate the substance of which has not been printed in the newspapers, not only by correspondents of the press associations, but by correspondents of most of the metropolitan dailies and other newspapers represented in the press gallery. Certainly I know that to be a fact in so far as my own experience in and about the Senate is concerned.

Senators may distinguish—and I think they should distinguish—between the obligation of a Senator or an employee of the Senate, who takes an oath to observe the Constitution, and the responsibility and the obligation of a newspaper man reporting the proceedings of this legislative body, which, after all, Mr. President, regardless of how certain Senators may look upon the body, is a representative body of the people of the respective States and not a club or an institution having a private character.

I was informed this afternoon that the head of the Associated Press Bureau in Washington had written a letter to the Vice President of the United States in which he stated that they maintained the right of any newspaper man to print the proceedings of the Senate, even though they may occur behind closed doors, if the information as to such proceedings is obtained from such sources as the newspaper man regards as reliable.

Mr. President, I do not feel called upon to outline my position with regard to what I believe to be the obligations of secrecy of a Senator under the rule, but I want to say, briefly, that, so far as I am concerned, I have taken the position since I came to the Senate of my illustrious predecessor in that regard. It was he who, I believe, was the first to assert in recent times the right of a Senator to tell how he voted upon any specific nomination, even though that vote was taken in executive session, and I have followed that course.

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senator from Wisconsin will suspend while the Chair has the unanimous-consent agreement read, which goes into effect at this hour.

The legislative clerk read as follows:

Ordered, by unanimous consent, That after the hour of 3 o'clock p. m. on the calendar day of Thursday, May 23, 1929, no Senator may speak more than once or longer than 30 minutes upon the pending bill, S. 312, a bill to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress (Calendar No. 3), or any amendment proposed thereto.

Mr. LA FOLLETTE. If it be a violation of the obligation of a Senator in this body to disclose how one has voted upon a nomination, then I invite the Rules Committee or the Senate itself to take cognizance of my position. I am perfectly willing to fight out the issue on the floor of the Senate as to whether a man is more solemnly obligated under the Constitution to his constituency in telling how he votes upon an important public matter or whether he is more obligated to the rules of the Senate. If this body should decide that that is a ground for expulsion, I welcome the submission of that issue to the electorate of the State of Wisconsin.

Mr. President, if the committee are to proceed with this investigation, if they are going on the theory that they are to examine the newspaper men first rather than the Senators and the employees of the Senate who are responsible for the observance of the secrecy rule, then I plead with the committee to be even-handed in the administration and conduct of the investigation.

I have not had an opportunity to go back through all the various important actions which have been taken in executive session within recent times—

Mr. DILL. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I yield.

Mr. DILL. Before the Senator leaves the subject of his own position with respect to the committee—

Mr. LA FOLLETTE. I have not left that, I assure the Senator. I am just coming to it.

Mr. DILL. Very well.

Mr. LA FOLLETTE. As I said, I have not had an opportunity to go back over all the important confirmations which

have occurred within recent years and to look up the exact reports which were carried by the newspapers. I have, however, chanced upon one dispatch which I think will be of particular interest to the Senator from Pennsylvania [Mr. REED]. It is from the Pittsburgh Post-Gazette of Saturday morning, March 17, 1928. The headline reads:

Senate drops Esch under battle, 39-29. Five hours of secret debate led by Neely bars I. C. C. nominee for lake vote. REED loses fight.

I may say that the correspondent for the Pittsburgh Post-Gazette at that time was Mr. Theodore Huntley.

WASHINGTON, March 16.—Senator DAVID A. REED, of Pittsburgh, waged a losing fight in to-day's executive session of the Senate for the confirmation of Interstate Commerce Commissioner John J. Esch.

Mind you, this nomination was considered in executive session.

He argued that to reject Esch would impair the independence of the commission and plunge its members into politics. He also pointed out what he characterized as the futility of attempting to cure conditions in the Pennsylvania coal fields while at the same time "punishing" a public official who had acted to remedy the situation which the Senate seeks to correct.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I will yield when I finish reading the dispatch.

Commenting on the Senate's action later, he said—

That is, the Senator from Pennsylvania is purported to be quoted here—

"The Senate bewails the conditions in the Pennsylvania coal fields and then proceeds to punish Mr. Esch for trying to remedy them. The opponents frankly had the Lake Cargo Rate case decision in mind and simply serve notice that any man who tries to vote in favor of Pennsylvania will be lynched when renominated."

The dispatch continues, referring to the Senator from Pennsylvania:

He was asked if he would seek to have a Pennsylvanian nominated for a place on the Interstate Commerce Commission as a sequel to his effort to have Cyrus E. Woods placed on the commission in the last Congress.

"What is the use?" Senator REED remarked. "They have demonstrated that they will oppose anyone from Pennsylvania or who is inclined to give Pennsylvania a square deal."

Mr. WHEELER. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Montana.

Mr. WHEELER. I would ask the Senator if he knows in what position that reporter is at this time?

Mr. LA FOLLETTE. I am coming to that.

I have known Mr. Theodore Huntley for a number of years, as I think almost every Senator who has seen any service here has known him. I respect him. I regard him as an able, intelligent, ethical, conscientious newspaper man. In the discharge of his obligations to his newspaper he at that time, employed by the Pittsburgh Post-Gazette, sent this dispatch, giving information as to what occurred in executive session. But I say, Mr. President, if it is an offense on the part of a newspaper man to print a statement as to how Senators voted, it is just as much and just as heinous an offense to print a statement of what a Senator said in executive session.

In my judgment, Mr. Huntley was discharging his duty as a newspaper man when he sent that dispatch and any other dispatches which are to be found in the files of that newspaper.

The significant thing, however, is that Mr. Mallon should be subpoenaed to appear for the publication of a roll call on the Lenroot nomination, and yet Mr. Huntley should be overlooked in spite of the fact that he is at this moment on the pay roll of the Senate and enjoying the privileges of the floor as one of the secretaries of the Senator from Pennsylvania [Mr. REED]. I have no information as to whether or not the dispatches of Mr. Huntley had previously been called to the Senator's attention, but I submit that if Mr. Mallon is to be interrogated, if Mr. Mallon is to be put on the rack and the grill, then also all other newspaper men who have been guilty of what the Committee on Rules regard as an offense should likewise be broken on the wheel. I suggest to the Senator from Pennsylvania that, without a subpoena, right in his own office he can find one such newspaper man who comes within the category of obloquy as delineated by the members of the Committee on Rules.

Let there be no misunderstanding, Mr. President. I am not opposing an investigation. My contention is that if an investigation is to be had it ought to start right in the Chamber among the Members of the Senate and the employees of the Senate,

who, according to the theory of the Committee on Rules, are obligated to preserve the rule of secrecy.

The Senator from Pennsylvania referred to the "so-called ethics of this so-called profession." Mr. President, are we going to place the conscience and the honor of this body in the hands of these newspaper men? If the Senate or its committee feel that a grave offense has been committed, then let us have the courage to investigate our own membership. I wish to observe, however, that I think it would be a long investigation.

Mr. DILL. Mr. President—

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Washington?

Mr. LA FOLLETTE. I yield.

Mr. DILL. I want to get the Senator's opinion on the matter of the committee attempting to hold this inquisition of Mr. Mallon in executive session.

Mr. LA FOLLETTE. I will come to that, Mr. President.

One further comment on the dispatch to which I have referred as sent by Mr. Huntley, of the Pittsburgh Post-Gazette. It will be observed that the Senator from Pennsylvania, if the dispatch is correct, submitted himself to be interviewed and questioned concerning the action of the Senate in that connection, and even went so far as to comment on what the Senate had done in executive session. I do not know whether the Rules Committee would consider that a violation of the honor and the obligation of a Senator or not. But I submit that if Mr. Mallon is to be interrogated and put on the grill, perhaps the Senator from Pennsylvania has placed himself in a position where he also ought to be interrogated by the committee.

Coming to the case under consideration, I hold in my hand a copy of the Baltimore Sun of Saturday, May 18, from which I read:

Senate confirms Irvine Lenroot. Vote on nomination to Customs Appeal Court is 42 to 27.

Where did the correspondent get that information?—

Opposition is strong. Progressive Republicans and Democrats fought him. Vote in secret session. By M. Farmer Murphy.

I am not going to indulge in the practice of throwing bouquets at representatives of the press, but I think Senators who have come in contact with Mr. Murphy will certainly regard him as an honorable gentleman, one very conscious of his obligations as a newspaper man, one who certainly would be very meticulous in observing the ethics of the profession.

Mr. Murphy said:

By grace of secret proceedings in the United States Senate to-day another lame duck limped into a \$10,000 Government job, when the nomination of Irvine L. Lenroot to be judge of the United States Court of Customs and Patent Appeals was finally confirmed.

The attempt of two Presidents to put the former Senator from Wisconsin into the public service was successful as the result of an affirmative vote of 42 to 27, but the circumstances of the victory are such as to give the victors small ground for boasting.

ENCOUNTERED HARD FIGHT

In most cases where a former Member of the body has come up for its approval the Senate has done him the courtesy of giving immediate confirmation, and in some cases the compliment has been emphasized by taking this action in open session. In the case of Mr. Lenroot not only was the propriety of his nomination so seriously questioned before the Senate Committee on the Judiciary as to require him to come before the committee and testify, but it was found objectionable enough to demand two days of executive session before it was finally put through. The Senate was in executive session three hours yesterday fighting over the nomination and the question of open sessions, and it sat continuously to-day from noon to 6.30 before a conclusion was reached.

GRATIFIED AT NEGATIVE VOTE

The opponents of confirmation, who included progressive Republicans and many Democrats—

Where did the correspondent get that information?—

were never hopeful of defeating it, but it is understood they are extremely gratified at the size of the negative vote.

Who gave that out, Mr. President?—

That 27 of his former colleagues should consider Mr. Lenroot unfitted to hold the position which Presidents Coolidge and Hoover named him puts him in a light which few would be so bold as to envy him.

Then he goes on to tell about what happened.

The things which have been raised against Mr. Lenroot are his connection with the Teapot Dome case, his appearance before the Senate Committee on Interstate Commerce against a resolution to inquire into the activities of power companies, which was characterized by some as lobbying, and his general relations as attorney for

power interests. Besides these specific things there was the old animosity of the progressives against him because he came to the Senate as one of them and deserted to the regulars.

How did the correspondent find that out? Who told him that?

During yesterday's session it was reported—

Who reported it?

that Senator NORRIS recalled that in the beginning of the Teapot Dome investigation Senator Lenroot, although chairman of the Senate Committee on Lands, called on Secretary Albert B. Fall, who was under inquiry.

Where did Mr. Murphy get that information? Mr. President, if Mr. Mallon is to be called, then it does seem to me that among other witnesses Mr. M. Farmer Murphy, of the Baltimore Sun, should be subpoenaed.

I hold in my hand a copy of the New York Times, of New York, of Saturday, May 18. Mr. Richard V. Oulahan is at the head of the New York Times bureau. It is staffed by able and conscientious men. Important dispatches, I apprehend, pass under Mr. Oulahan's eye. Whether this one passed under his eye or not it would be very easy for the committee to ascertain who wrote this special dispatch to the New York Times. Here is what the dispatch states:

Chief among the defenders—

I am not reading all the dispatch—

Chief among the defenders of ex-Senator Lenroot in the executive session was Senator GORR, of West Virginia—

I am sure the Senator from West Virginia, stalwart upholder of the proposition that secrecy shall be observed, never gave this information out. Somebody, however, must have done so—but it was stated that Senator SIMMONS, of North Carolina, also spoke in behalf of the nominee.

The Senator from North Carolina [Mr. SIMMONS] is one of the most distinguished Members of this body. He has been in service a great number of years and is the ranking member of the Finance Committee of the Senate on the Democratic side; he handled all of the important war revenue legislation when he was chairman of that committee under the Wilson administration. I am sure there is no Senator in this body who more carefully observes the Senate's rules; and yet from some source—I am sure it was not from the Senator from North Carolina—this correspondent found out that the Senator from North Carolina made a speech in executive session in behalf of former Senator Lenroot. Now, listen to this:

On the other hand, Senators HEFLIN, of Alabama, and BLAINE, of Wisconsin, made lengthy speeches against Mr. Lenroot, assailing him because of events in connection with the Government oil scandals and as an attorney for the Power Trust.

I have heard the Senator from Alabama comment upon the members of the press gallery; I am sure he does not have any very intimate relations with them [laughter]; yet from some source it was learned that the Senator from Alabama attacked former Senator Lenroot because of events in connection with the Government oil scandal and as an attorney for the Power Trust.

Mr. President, if I may say so without being expelled from the Senate, it is remarkable how accurate these dispatches are and how similar they are. I suggest to the committee that the author of this dispatch should also be summoned if Mr. Mallon is to be summoned.

The New York World is a very excellent newspaper—in many respects. [Laughter.] It maintains some endowments and prizes are given to uplift the newspaper profession. The Pulitzer prizes are much sought after, and they are given for the purpose of encouraging the profession to its best efforts. Certainly that newspaper or its bureau here in Washington would not tolerate that any heinous offense against the ethics of the profession or against good conduct and good morals should be committed by one of its employees or representatives. Mr. Charles Michelson, a veteran in the press gallery of the Senate, a familiar figure in every presidential campaign tour, is the head of this bureau. I know not whether he wrote this dispatch, but certainly he would not hesitate to inform the Committee on Rules, or its chairman, as to the author of this special dispatch to the New York World. I shall not read all of it because I do not want to impinge longer than necessary upon the time of the Senate.

Most of the struggle that went on in the executive session centered on the determined drive of the former Senator's opponents, aided by Senators who oppose the secrecy methods in confirmations, to throw

open the doors, or at least to make public the roll call to show who voted for the nominee and who voted against him.

Where did the correspondent get that information?—

But these efforts failed when Vice President Curtis—

Certainly, no one will maintain that Vice President Curtis, formerly leader of the Republican side in this Chamber and now elevated to the position of Vice President of the United States, would give out any information as to what he did in an executive session. Yet somebody gave out such information, for this dispatch states:

But these efforts failed when Vice President Curtis ruled that it took a three-fourths majority to divulge a roll call. The Senate voted 38 to 36—

How did the correspondent get that information?—

early to-day revealed yesterday's roll call of 38 to 34—

The correspondent got two of the roll calls—

against fighting the nomination out in the open.

He even knew the sequence of the roll calls.

Then came the Curtis ruling that two-thirds were needed instead of this bare majority of 2. On appeal from this ruling the Senate sustained the Vice President, 44 to 33.

So the result of three roll calls was obtained by this correspondent. He says further:

Torrents of debate gushed forth—

How did he know that, Mr. President? [Laughter.]

Here is a report of something that took place in executive session referring to the Senator from Alabama [Mr. BLACK]:

Senator BLACK (Democrat, Alabama) finally gave notice that he would offer an amendment to the rules similar to the one already proposed by Senator JONES (Republican, Washington), requiring nominations to be acted upon in public unless a majority votes otherwise.

Where did that information come from? The Senator from Alabama certainly has not given out confidential information. This correspondent had access to confidential information. If Mr. Mallon is guilty of any offense—and I maintain he is not—then the author of this dispatch should be called by the committee.

The dispatch goes on to say that—

Senator NORRIS (Republican, Nebraska) led the fight of the western progressives against Lenroot's nomination.

Further on the dispatch says:

Administration forces expected far less trouble than they encountered in having the Senate ratify the committee's action.

Who told this correspondent of what the administration forces were thinking and doing in executive session?—

NORRIS based his main objection to Lenroot on the charge that the former Senator had been a lobbyist for the Power Trust since his defeat in 1923.

Who gave that information?

If there is to be an investigation, the correspondent of the New York World who wrote this dispatch is just as liable to inquisition on the part of the Rules Committee as is Mr. Mallon.

In view of the letter addressed to the Vice President by the head of the Associated Press Bureau in Washington affirming its right to print any news which could be obtained and believed to be accurate, it hardly seems necessary to refer to additional press dispatches, but there also appeared in the Washington Star of May 18 an Associated Press dispatch which purports to tell what went on in executive session.

If I had the time, I have not the slightest doubt that I could cite dispatches, either from special bureaus or from press associations, in every daily newspaper in the United States printed 12 hours after the action taken by the Senate on the Lenroot nomination. I venture the assertion without fear of contradiction that there is not a newspaper man in the gallery who has not at some time in his career, unless he has arrived here since the Lenroot nomination was confirmed, written a dispatch stating what he believed to be the substance of the debate in the Senate and the results of roll calls and the arguments offered pro and con on the part of individual Senators in executive session.

Now, Mr. President, let us see what position we are in if the policy announced by the Rules Committee is to be followed. Here are a group of 95 Senators and a group of Senate employees. According to the contention of the Rules Committee and of certain Senators, for whose judgment I have respect, Senators, because they took an oath to defend the Constitution, are bound by the secrecy rule of the Senate. That raises a

legal question upon which I would not feel competent to comment, but I know that there are able lawyers and students of the Constitution who take divergent views concerning the responsibility of a Senator under that rule. Nevertheless, Mr. President, the Committee on Rules believes that a wrong has been done; that a rule of the Senate has been violated.

What does the committee propose to do? Does it propose to investigate the Senators and the employees of the Senate, who are certainly responsible for maintaining the rule of secrecy if anyone is responsible, or does it propose to give the Senators and the employees of the Senate a gentle tap on the wrist without naming any individual, and then put on the witness stand, to be grilled by the Rules Committee, a representative of the press who has, in my judgment, taken no obligation to support the rule of secrecy of the Senate?

Mr. President, I think the newspaper men accredited to the Senate perform a public service when they inform the public of the public business and as to how the representatives of the people vote upon important questions, whether it be in executive or in open session. They are the representatives, so to speak, of the public. I do not think any Senator will contend, after due consideration, that any obligation rests upon any newspaper man accredited to the press gallery of the United States Senate to help the Senate to uphold a rule which, as I have demonstrated, the Senate itself has not been able to enforce upon its membership. Is an attempt being made to make the newspaper correspondents the scapegoats for the Senate's honor? If there is to be an investigation, in my judgment it should start with the membership of the Senate. If that is not to be done, if those responsible for the maintenance of the rule of secrecy and the other rules of the Senate are to be given a blanket indictment anonymously and thereby an immunity bath, and if the correspondents of the press are to be subjected to interrogation and grilling, then I say, Mr. President, that every correspondent who has ever written a dispatch purporting to describe and to tell what occurred in executive session should be called, together with Mr. Mallon.

Let me say in closing, Mr. President, that the honorable thing for this body to do is to investigate its own membership and its own employees before it begins grilling and investigating the representatives of the press. They have committed no breach of ethics, no breach of honor, and no breach of obligation.

Mr. MOSES. Mr. President, may we have the pending amendment stated, please?

The VICE PRESIDENT. The Secretary will state the pending amendment.

The LEGISLATIVE CLERK. On page 4, lines 2 and 3, it is proposed to strike out the words "without reference to the civil service or the classification acts" and insert in lieu thereof the words "subject to the civil service laws, but without regard to the classification act of 1923, as amended, and without giving the appointees under this provision a status for transfer to other positions."

PUBLICATION OF PROCEEDINGS OF EXECUTIVE SESSION

Mr. MOSES. Mr. President, speaking to the amendment and under the unanimous-consent agreement, I wish merely to say that it requires no rhetoric to state the position of the Committee on Rules as the chairman of that committee understands it to be.

The Committee on Rules of the Seventy-first Congress is not at present, at least, of the opinion that it should conduct any ex parte investigation of infractions of the rules which took place prior to the opening of this Congress. Further, Mr. President, the equipment of the room of the Committee on Rules has in it no grill, no wheel upon which anyone may be broken, no culinary equipment which can cause torture to the individual who presents himself there.

The committee believes that there has been an infraction of the rules. The committee believes that it is its duty to proceed to investigate that infraction.

It so happens that the morning paper in Washington in which the Mallon dispatch was first printed is a paper which Senators read very generally in order that they may have the benefit of the first column on its first page. Next to that column, however, on a particular morning, they found this dispatch. If other newspapers, of less influence and less circulation in senatorial circles printed similar matter, it did not come to the unanimous notice of the membership of the committee.

In consequence, Mr. President, believing that an infraction of the rules has taken place, it seemed to the committee and it seemed to me also proper that the first interrogatory should be directed at the author of the dispatch in question. He will be asked, I suppose, to reveal the source of the information upon which he based his copyrighted dispatch. I confidently expect him to decline to answer. Following that, I assume that the

committee will go forward with its investigation; and, of course, the committee will have under consideration and in its mind always the suggestions just made to it by the Senator from Wisconsin.

Mr. DILL. Mr. President, I asked the Senator from Wisconsin—and I think he overlooked my question—for his comment on the proposal of the Rules Committee, as reported to us, that it would hear Mr. Mallon in executive session. He said he was coming to it.

Mr. LA FOLLETTE. Mr. President, I did neglect to comment on it, but it seems to me that it needs no comment. If the Senator will refer to the Congressional Directory and read the list of the membership of the Rules Committee, he will find that among its membership are the staunchest champions of the rule of secrecy. Therefore it seems to me quite consistent that any investigation conducted by that committee would be in secret.

Of course, the Senator from Washington knows very well my attitude upon the question of open hearings and sessions of the Senate. I have consistently advocated not only open sessions of the Senate upon all questions concerning the public business but I have consistently maintained that committees should meet in public. To my mind, for the Committee on Rules to conduct its investigation in secrecy would be to do a grave injustice to the membership of that committee.

Mr. REED. Mr. President, will the Senator yield for a question?

Mr. LA FOLLETTE. The Senator from Washington has the floor. I shall be through in just a minute.

Mr. DILL. I yielded to the Senator from Wisconsin.

The VICE PRESIDENT. The Senator from Washington declines to yield at present.

Mr. LA FOLLETTE. I say I think a grave injustice will be done to the members of the Committee on Rules if they hold their sessions in secret, because inevitably, Mr. President, as we all know, all of the proceedings that are held in that committee, even though they be held in secret, will be daily reported in the press, and thereupon the Committee on Rules will be confronted with the necessity of investigating itself and its own employees to find out where the leak occurs.

Mr. MOSES and Mr. REED addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and to whom?

Mr. DILL. I yield first to the Senator from New Hampshire, the chairman of the committee.

Mr. MOSES. Mr. President, I might use a phrase employed frequently by the Senator from Wisconsin during his speech on this subject by saying to the Senator from Washington, "Who told him that?" about the matter of a secret session of this committee. That matter never has been discussed in the committee, and no decision has been reached concerning it.

Mr. DILL. I may say that it was my information that it was to be held in executive session. If the committee have decided to hold it in open session, I congratulate them on learning something from the experience of the past.

Mr. MOSES. If the Senator will permit me further, no decision whatever has been reached. The committee has merely been called to meet at 11.15 on Monday.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. DILL. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. If the Senator intends to conduct these investigations during the lunch hour, then I hope that all of the waiters of the Senate restaurant who were present at the meeting yesterday will be sworn to secrecy, because, of course, otherwise they will be under suspicion. [Laughter.]

Mr. DILL. I am very glad to hear the chairman of the committee say that they have not yet decided to hold this inquiry in secret. I hope the committee members have learned enough from attempting to keep secret these nominations, and the arguments and discussions regarding them, so that they will not attempt to carry this ridiculous method any further by trying to hold in secret the inquiry of men who are to give facts regarding this matter.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. COUZENS. Does the Senator recall that during the discussion of the confirmation of Mr. Lenroot, advocates of Mr. Lenroot—at least one—left the Senate and conferred with the nominee outside of executive session and brought back information to the executive session after he had disclosed to the nominee information that he had received in executive session?

Mr. BLACK. Mr. President, I rise to a point of order.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield; and to whom?

Mr. DILL. I want to respond to the Senator from Michigan by saying that to answer his question might endanger me, as a Senator, under the rule.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. DILL. I do.

Mr. LA FOLLETTE. I think the Senator from Michigan should be one of the first witnesses before the Rules Committee. He has just disclosed here something that occurred in executive session. [Laughter.]

Mr. DILL. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I do not care now to interrupt the Senator, because the suggestion I was going to make has already been made.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Montana?

Mr. DILL. I shall yield the floor in just a moment. I merely wanted to call attention to this matter, because it seemed to me unjust and unfair, and, if I may say so, un-American to attempt to hold a hearing about this matter in executive session. If there is anything that ought to be public, that ought to be open, it is the investigation of a matter of this kind.

Mr. REED. Mr. President, one of the greatest ways of showing one's bravery is to tilt at windmills. Nobody has ever suggested that the hearing before the Rules Committee be held in closed session; but if it gratifies Senators or gratifies the press gallery to denounce something that has not been thought of, well and good.

Mr. President, it is all very fine and brave, and doubtless is heard with gratification from the press gallery, to denounce the Rules Committee as has been done; but I beg Senators to bear this in mind:

The only reason why there may arise any embarrassment to the correspondents who have tried faithfully to report the proceedings in the Lenroot case is that some Senator or Senators are concealing their own culpability behind the reporters who are to be called before this committee. Some Senator or Senators are sitting secure in the reliance that those reporters, when interrogated, will refuse to answer.

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED. I yield to the Senator.

Mr. LA FOLLETTE. I assume that the Senator's remarks do not refer to me; but I will say to the Senator that my suggestion to this committee was that it begin to clean house in its own household—

Mr. REED. Very good, Mr. President.

Mr. LA FOLLETTE. And that the investigation start with the Senate and its employees, and not with representatives of the press, who are under no obligation to observe the rules of the Senate.

Mr. REED. Mr. President, I wish I knew to whom my remarks do refer. I wish the Senate knew who that Senator or Senators is or are who are hiding behind this loyalty of which I speak in the press gallery.

Mr. LA FOLLETTE. Mr. President, will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Pennsylvania further yield to the Senator from Wisconsin?

Mr. REED. The Senator was allowed to proceed without interruption. I hope he will extend the same courtesy to me.

Mr. LA FOLLETTE. I shall not interrupt the Senator again.

Mr. REED. I yield to the Senator.

Mr. LA FOLLETTE. May I suggest to the Senator from Pennsylvania, if he believes any Senator is guilty in this connection, that there is a very simple way for the committee to find out. It can subpoena Members of the Senate, put them on the witness stand, and question them. It can then subpoena the employees of the Senate who are present in executive session and question them. It can subpoena the Vice President of the United States, put him on the witness stand, and examine him.

The thing I am objecting to is the great injustice which the committee does in starting its investigation by calling a correspondent, who is not responsible to the Senate or to its rules. The investigation should be conducted among the membership of the Senate and its employees.

Mr. REED. The Senator's remarks are most helpful and undoubtedly will be borne in mind by the Rules Committee when they begin their inquiry. It might almost have occurred to them, without the suggestion, that it was possible to subpoena each of the Members of the Senate and interrogate them.

Mr. HEFLIN. Mr. President—

Mr. REED. I yield to the Senator from Alabama.

Mr. HEFLIN. The Senator from Wisconsin has just suggested that this committee could subpoena Senators and compel them to come before it. I do not think the committee has that authority. A Senator can not be compelled to go before any committee unless he desires to go before it.

Mr. REED. Of course, the committee could invite Senators to come, and doubtless they would respond to the invitation.

Mr. President, there is not any great mystery about this matter, except as to the identity of the person who is culpable. The newspaper men are doing what they have done ever since there were newspapers—reporting the information that they get—

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED. I will yield at the end of the sentence, if the Senator please.

Mr. WHEELER. I hope the Senator will not get so peeved at me. I thought he had finished the sentence.

Mr. REED. I thank the Senator.

Mr. WHEELER. I am not going to be intimidated because the Senator is angry at me.

Mr. REED. I thank the Senator. He is most courteous always. It is a little difficult to express one's thought when every sentence is broken into.

Mr. WHEELER. I am sorry I interrupted the sentence. I thought the Senator had finished.

Mr. REED. Mr. President, I committed some offense, I suppose, by the remark I made the other day regarding the "so-called ethics" of the newspaper profession. I do not think that ethically there is anything very admirable in joining with a Senator in violating the rules of the Senate and flaunting them; but ethically the action of the newspaper man is not comparable in its meanness with that of the Senator himself who violates the rules of this body and then hides behind the newspaper man and does not dare to disclose his identity. That, in my judgment, represents infinitely greater culpability, and I feel sure that all members of the Committee on Rules share the opinion that the real culprit in this matter is not the newspaper man but is the Senator who is the source of the information.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. WHEELER. I was just wondering why it was that the Senator became particularly outraged because of the publication of the names in this instance when he did not voice any protest when the gentleman who is now his own secretary published the dispatch in the Pittsburgh paper which has been referred to, and presented the Senator's own argument from the floor of the Senate.

Mr. REED. I beg the Senator's pardon. If he had listened to the reading of that article, I do not think he would have found that my arguments were presented. They certainly were never presented as a result of any disclosure by me. I do not know whether anything I have said in executive session has been quoted, but I do make the assertion deliberately that I myself have never given out any information about what has happened in executive session. I never have done so to Mr. Huntley or to anybody else. Doubtless Mr. Huntley has heard those things when he was working for a newspaper, and doubtless he has telegraphed them, as have the others, and I have tried to make it plain that what has been done in this case by Mr. Mallon is substantially like that which has been done by all other correspondents for a long time. It ought to stop, however; but the place to stop it is in the Senate itself. The person to punish is the Senator who is guilty, and I hope that the Senate will not get it into its mind that we are starting out to persecute any newspaper man, because we do not feel that there is the point of greatest culpability.

Mr. LA FOLLETTE. Mr. President, just one word in response to the suggestion made by the Senator from Pennsylvania. If the Senator and the committee feel that a Senator or group of Senators, or an employee or group of employees, are culpable, why does the committee proceed to subpoena one newspaper man, and only one, when the chairman of the committee has just stated on the floor that he expects that newspaper man to follow the custom of the profession and decline to answer?

Mr. President, the attitude of the Committee on Rules may have changed within the last 24 hours. But I state it as a fact that what one member of the committee had in mind was the subpoenaing of this newspaper man. He expected that Mr. Mallon would follow the tradition of his profession and decline to disclose the source of his information, and then the Senate would be asked to send him to jail for contempt. This member of the committee expected to make an example of

Mr. Mallon. He expected to make any other newspaper man hesitate to print information concerning what transpired in executive session.

If the Committee on Rules feels that Senators or a Senator, or an employee or employees of the Senate, are culpable and responsible primarily in the matter, I can not see why they commence at the wrong end of the investigation and put on the witness stand only one newspaper man. The others are to have immunity; not even Mr. Fraser Edwards, who printed the same identical story in the Universal Service, is to be called. Only the representative of the United Press is to be put on the grill.

Mr. President, the committee can, in justice, take only one of two courses. In my judgment, as I stated before, I think they should take the course of commencing the investigation with Senators or Senate employees, but if they will not take that course, then they ought to call every newspaper man who has violated the proprieties in the view of the Committee on Rules, not just one individual.

Mr. BURTON obtained the floor.

The VICE PRESIDENT. Will the Senator from Ohio yield that the Chair may ask that a letter from the Associated Press be printed in the RECORD?

Mr. NORRIS. Mr. President, may we have it read?

The VICE PRESIDENT. If the Senator from Ohio will yield for that purpose.

Mr. BURTON. I yield for that purpose.

The VICE PRESIDENT. The clerk will read the letter.

The Chief Clerk read as follows:

THE ASSOCIATED PRESS,
Washington, D. C., May 23, 1929.

The Hon. CHARLES CURTIS,

Vice President of the United States, Senate Chamber.

DEAR MR. PRESIDENT: As a result of an announcement yesterday by the President of the Senate, the Associated Press finds itself deprived, through no fault of its own, of the privilege of access to the Senate floor, a privilege which has been accorded it continuously for many years and which it never has abused.

Naturally the newspapers making up the Associated Press have received this announcement with surprise and regret. Many of them have inquired by telephone and telegraph why the Associated Press should be penalized because of an incident in which it had no part whatever. Under the circumstances I know I voice the sentiment of the Associated Press papers of the entire country in making formal protest, and asking that this protest be made a part of the Senate record.

I am sure that most Senators already know that the information regarding a secret Senate session recently published by the United Press could have been obtained by us, but that no effort was made to compile it for publication. We refrained from such publication because we had reason to believe that the information available was likely, in the nature of the case, to be inaccurate, and we felt that under no circumstances should we publish a roll call which would misrepresent the position of any Senator. It now has appeared that this surmise was correct.

I invite attention to the fact that accuracy was the compelling consideration, and that the Washington Bureau of the Associated Press never has and does not now subscribe to any theory that publication of secret proceedings, if the publication is accurate, is in any wise beyond the legitimate function of a free press.

What action the Senate may see fit to take against a press agency which describes Senate proceedings inaccurately is, of course, a matter between the Senate and that particular agency. The Associated Press, therefore, expresses no opinion on the merits of the case involving recent publication of a purported Senate roll call, but it does protest vigorously against sharing, even by implication, the blame for an incident in which it deliberately declined to have any part.

Respectfully yours,

BYRON PRICE, Chief of Bureau.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. BURTON. For a brief time.

Mr. REED. I only desire to call attention to the fact that the Committee on Rules had nothing whatever to do with the exclusion of the Associated Press, but that was done on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. BURTON. For a brief time.

Mr. LA FOLLETTE. I was forced to take that action because the Committee on Rules attempted to discipline a press association because it did not like a story which that press association carried to the country. To show how unfair it was in its discrimination, it failed to take similar action against

the Universal Press Service, which serves the Hearst newspapers. The Senate can draw its own conclusions as to why the Hearst service was excepted; but I did not propose, as a Member of the Senate, to see the committee begin a censorship of the press. In order to put every newspaper association upon the same footing, I insisted upon an enforcement of the rule.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. For a brief time.

Mr. NORRIS. I want to submit a unanimous-consent request.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. BURTON. I yield.

Mr. NORRIS. The letter from the Associated Press bases its refusal to publish what the other press association published on the ground that the information might not be correct, and it states that subsequent events have developed that the information was not correct. In order to save any Senator from any embarrassment that might have resulted from his being incorrectly quoted, if such has been the case, and to give the truth to the public, I ask unanimous consent now that the roll call in executive session on the confirmation of Mr. Lenroot be published in the RECORD.

The VICE PRESIDENT. Is there objection?

Mr. HASTINGS. I object.

Mr. HARRISON. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. BURTON. I think I will have to say that this is the last time I shall yield; but I will yield to the Senator.

Mr. HARRISON. I understood the Senator was going to discuss the pending amendment to the apportionment bill.

Mr. BURTON. Yes.

Mr. HARRISON. And not the subject matter which has been discussed during the last few moments.

Mr. BURTON. The Senator is correct.

Mr. HARRISON. Will not the Senator yield while I ask unanimous consent for the consideration of the resolution which I shall send to the desk?

Mr. BURTON. The resolution may be read, but I reserve the right to object to its consideration.

Mr. HARRISON. I may say that I offer the resolution because of the discussion we have had.

The VICE PRESIDENT. The resolution will be reported, the Senator from Ohio reserving the right to object.

The CHIEF CLERK. The Senator from Mississippi offers the following resolution (S. Res. 68):

Resolved, That the Committee on Rules be, and it is hereby, directed to call before it each Senator for the purpose of ascertaining whether or not he divulged any secrets of the Senate in connection with the nomination of Irvine L. Lenroot to be an associate judge of the United States Court of Customs and Patent Appeals.

Mr. HARRISON. I ask unanimous consent for the present consideration of the resolution.

Mr. BURTON. While I entertain the greatest respect for the Senator from Mississippi I must decline to yield, because I can see that this would lead to long discussion.

Mr. HARRISON. I do not desire to discuss it. I am simply asking unanimous consent for its present consideration.

Mr. HEFLIN. I should like to hear the matter discussed.

Mr. SACKETT. Mr. President, I object; and I may say that I was out of the city on the day when the vote was taken on the Lenroot nomination.

The VICE PRESIDENT. Objection is made, and the resolution will go over under the rule. The unfinished business will be proceeded with, and the Senator from Ohio [Mr. BURTON] is entitled to the floor.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress.

Mr. BURTON. Mr. President, I desire to return to a discussion that will be less spicy, but I think more important to the welfare of the country and to the transaction of the public business; that is, a discussion of the census and apportionment bill. I specially wish to refer to the amendment proposed by the honorable Senator from New York [Mr. WAGNER] placing enumerators and field workers taking the census under civil service.

By way of introduction, I may say that I yield to no one in my earnestness for the maintenance and enlargement of the civil-service system. I have been an advocate of the system for more than 30 years. In years past, during my membership in

the House of Representatives, when, under the regulations promulgated by President Harding, three eligibles were presented for appointment as postmaster; sometimes much to the discontent of my party associates, I regularly selected the one who stood first on the list; but I can not favor this amendment, because I regard it as most undesirable, as impractical, even as absurd.

Let us first apply it to the selection of enumerators, of whom there will be chosen for the taking of the census approximately 100,000. It is proposed to subject all the candidates for enumerators to a civil-service examination.

Let us first consider the magnitude of that proposed undertaking. The total number of persons appointed in the year ended June 30, 1928, under examination by the Civil Service Commission was only a little over 40,000. Here it is proposed to select 100,000 by competitive examination. What is the nature of the service they are to perform? How attractive to applicants will be the suggestion that they take the civil-service examination? Their service continues for two weeks if they are taking an enumeration in a city and for four weeks if they are taking an enumeration in the country. See the manifest absurdity that for a position which will only employ two weeks' time with some and four weeks' time with others they are compelled to leave their places of habitation, perhaps, and take civil-service examinations, with all the uncertainties which apply to the result. In many instances the examination papers are not marked and rated until six months after the examination is taken.

Mr. WAGNER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Certainly.

Mr. WAGNER. The Senator emphasizes the fact that the enumerators are to be employed only for a short period of time. Is that a justification for making purely political appointments rather than inquiring into their efficiency?

Mr. BURTON. There is an inquiry into their efficiency which is a very important one under the regulations of the Census Office. Everyone is presented with a questionnaire which he must answer and which he must return to the Census Bureau, and there have his claims passed upon by officials of the Census Bureau. There is a quasi civil-service examination, all that is justified in view of the very brief service which he is to perform.

Mr. WAGNER. The Civil Service Commission, I think the Senator will perceive, has much better facilities for that sort of examination. It has, as its letter points out to the Senate, about 5,000 examining boards scattered all through the country. It has now upon the eligible list some 75,000 who have taken the examination for clerical positions. All of those persons are at the disposal of the commission or the Census Bureau. The examining boards can examine those people, and I should think that that would be a much simpler and fairer and nonpartisan way than the plan proposed under the bill.

Mr. BURTON. It is said there are 75,000 on the eligible list. I think that is exaggerated somewhat. Probably 60,000 is more nearly correct. They have been examined for positions as janitors, veterinarians, and this, that, and the other.

Mr. WAGNER. I do not like to interrupt the Senator, but a record has been made showing that the examinations to which I have referred were for clerical positions and not janitors and the other things to which the Senator referred.

Mr. BURTON. The largest number is of those who have taken examinations for letter carriers or clerks in the post office. How does anyone know that those men have been examined as to any special competency for the work of enumerator, which requires qualifications of affability, acquaintance in the neighborhood, promptness in acting, a type of qualifications altogether different from those required for the ordinary services?

Then, again, does the Senator from New York believe that any considerable share of the 60,000 or more will accept positions as census enumerators? I remember very distinctly in my own experience in the year 1890 that I labored for nearly a week in selecting census enumerators. The great difficulty was to get men who would serve. It is a break in their regular employment. The compensation is small. The position is not attractive.

Another point in regard to it is that it is a regulation of the Census Department, and I think it is a very desirable one, that the respective enumerators should reside in the districts in which they make the enumerations. As stated by the Director of the Census, in order to secure this representation residence in their own district would create inexplicable confusion. Suppose a number are examined and certain persons stand at the head. That naturally would lead to their selection, but it is also requisite that they be residents of the district in which they are to work. So much for the enumerators.

The next most important item is special agents. Bear in mind that the 3,000 or 4,000 who will be employed here at Washington are selected under civil-service rules. The present bill makes no difference in existing regulations. Under laws already on the statute books it would be possible to select special agents and enumerators in the form prescribed in the bill, the only difference being that the bill is a little more strict and a little more explicit in that it requires that every appointee be approved by the Director of the Census. The Director of the Census could throw out anyone, and if he finds that selections are being made, as he might find upon investigation, merely to reward political workers, he might make a wholesale discharge of the whole list.

The criticism of the present Director of the Census has been made by some persons—and reference was quoted by some with regard to it just the other day—that he is too nonpartisan; that he has a little too much of the mugwump in his disposition. I have known him many years and have learned to trust him.

In this connection let me say that if the civil-service rules were applied in 1910 they are strangely unaware of it in the Census Bureau, because the bald statement has been made that at no time have the field records been collected under civil service. That statement has been made to me several times. I think there was an examination for certain of the special agents when Mr. Durand was Director of the Census, say about 1908 to 1910. That was by reason of a voluntary regulation of his, and not by reason of any law. There has been no law at any time when any of the various censuses have been taken requiring enumerators, agents, and those working in the field to be chosen as the result of a competitive civil-service examination. Theorists may think it is best. Those who, like myself, believe in the civil service may think it is preferable. But a careful consideration by those who have the work to do shows the impracticability of carrying out such a plan.

As regards the special agents, I say again there is the right under existing law, which has been in force for many years, to choose the special agents in just the way that is prescribed in the pending bill, the only difference being a larger authority on the part of the Director of the Census to fix their salaries and expenses, and an increase in the salaries or wages of certain classes of them. The special agents are chosen mostly to take the manufacturing statistics provided in the act. Let us consider a moment what has been the usual custom in regard to the taking of manufacturing statistics. Word is sent out to the different factories or establishments. Most of them, though not all, answer. The answers require checking up. Factories which do not answer require the obtaining of statistics and special agents are chosen for these purposes. It has been an invariable rule in my locality that the persons who took these enumerations were selected on the recommendation of chambers of commerce or trade bodies. The Director of the Census has exercised the utmost discrimination in choosing the men, and I know he will in the future.

Let me cite to the Senator from New York and other Senators some of the absurdities in putting these men under civil service. A great share of the statistics of the Census Bureau obtained through these special agents come from health officers in different cities. They are paid a nominal consideration, perhaps a dollar a year, and in compensation for their services they receive certain bulletins from the Census Bureau. Just think for a moment of the absurdity of saying to each one of those health officers, "You shall not act in that capacity, you shall not be named as a special agent unless you take an examination. Your dollar a year is going to be dearly bought. You must submit yourself to competition before you are chosen." It is one of the features of the system which shows how utterly undesirable it is to subject these selections to civil service.

I am not aware that those who are to enumerate the feeble-minded, the blind, and others who are mentioned in the remarks of the Senator from New York assume any very considerable numbers; and if my impression is correct, most of those who do that work are permanent employees of the Department of Commerce and have been chosen as a result of civil-service examinations.

Now, in regard to the supervisors, I do not believe there has been any such corruption as intimated in the taking of censuses.

No doubt there has been cheating, but the worst phase of it, perhaps, has been due to the ambitious desire of certain municipalities, not the work of politicians, that the census returns should give them a population much in excess of the actual number within their borders. I might mention several cities in several censuses where this misguided desire to expand their importance has led to fraud, but I think in every instance it has been detected. I think the censuses taken in the respective years have been accurate. To prove it, there is a kind of harmony, of congruity, I might say, between the different

censuses in the respective decades, not only of the whole country but of States and municipalities, which goes far to prove this to be a fact.

There has been, again, while there have been exceptions, a general harmony between the Federal censuses and the less-accurate censuses taken by the States and minor political subdivisions. I can not believe that there is any such widespread dishonesty as has been stated by Senators who have taken part in the debate upon this subject.

As regards the supervisors, it is exceedingly desirable that they make the selection of the enumerators, so that the enumerators may not snap their fingers in the face of their superiors, but may know to whom they are subordinate and whom they must obey. For any well-established system, the appointment of the enumerators by designated supervisors, carefully chosen after what is the equivalent of an examination or is, in fact, an examination under questionnaires by the Director of the Census, is, in my judgment, altogether the best way. Do Senators believe that there would be any considerable number applying to take a competitive examination for the position of supervisor? Naturally, the employment lasts for some three months or thereabouts, which time, however, is liable to be protracted. The compensation is much more liberal than that for enumerators; but supervisors have been, so far as my experience extends—and that is rather wide—chosen very largely on the recommendation of commercial bodies. I know in my own city of Cleveland the three Members of the House of Representatives have joined with me in recommending a man chosen by the chamber of commerce who has had very long experience in the making of enumerations. I do not know what his politics may be; I do not know whether he has any politics. We have, however, united in choosing him because we regard him as the best man.

There is one thing that quite surprises me, Mr. President. Why is it the year 1919, when the Democrats were in control of the different branches of the Government, was allowed to go by without the suggestion of a civil-service examination for the outlying districts? Why should this virtuous upheaval have been postponed until the time when the Democrats were in the minority? Perhaps they are accepting as their motto the saying of Ibsen, "Minorities are sometimes right; majorities never are." But it seems to me quite surprising that the census bill for 1920 should have been allowed to pass without, so far as I can learn, one syllable having been uttered in favor of the application of the civil service to the selection of enumerators, supervisors, and special agents. What a golden opportunity was lost when the Democrats allowed that year to go by! Is it not something of a reproach—

Mr. WAGNER. Mr. President—

The PRESIDING OFFICER (Mr. DALE in the chair). Does the Senator from Ohio yield to the junior Senator from New York?

Mr. BURTON. Yes.

Mr. WAGNER. Does the Senator give that as a reason why it should not be done now?

Mr. BURTON. I did not give it as a reason. I give it as a very singular fact, although, in a measure, it shows that the Democrats were themselves convinced that no system of civil service was applicable to these outside positions. Possibly it is best for a party to be kept in the minority if spasms of virtue, if the spirit of uplift develops at no other time. The Republican Party is now in control—

Mr. BLACK and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. BURTON. I yield to the Senator from Alabama.

Mr. BLACK. Mr. President, of course, the Senator does not mean to say that the Democratic Party has never made any contribution to the cause of civil service?

Mr. BURTON. I do not say that. I do not like usually to engage in partisan discussion at all, and that has been my record; but sometimes when people evince partisanship that is so marked as in this case, filling the Chamber with denunciation of the pending bill and of the Republican Party because it does not apply civil service to the outside workers, when they have such a record on the subject, I can not help referring to it.

Mr. McKELLAR. Mr. President—

Mr. BLACK. Just one moment. I understood the Senator from Ohio to say that the Democratic Party had only shown activity in behalf of civil service when it was in the minority, and the Senator is wrong.

Mr. BURTON. Of course, I am referring to recent times.

Mr. BLACK. President Cleveland was, perhaps, the greatest exponent of civil service and did more to advance it than any President who ever sat in the White House.

Mr. BURTON. President Roosevelt probably did rather more.

Mr. McKELLAR. Mr. President, will the Senator from Ohio yield to me?

Mr. BURTON. Yes.

Mr. McKELLAR. Did the Senator from Ohio state that the last census bill was passed in 1919?

Mr. BURTON. It was passed in 1919.

Mr. McKELLAR. That is also my recollection.

Mr. BURTON. Yes; I think it was approved on the 3d of March, 1919.

Mr. McKELLAR. The Republican Party was in power then. Both branches of Congress were controlled by the Republicans in 1919, and if they had seen fit to have applied civil-service rules to the taking of the census of 1920 it was within their power to bring it about.

Mr. BURTON. No; Republican control came as a result of the election of 1918, but the Republican Party did not come into power in the legislative branch in that year. It came into power in the legislative branch on the 4th of March, 1919, and not until then. I am not partisan enough to say it, but I know some Republicans would be partisan enough to say that, while the preceding Congress had a glorious record in the war, they do not feel like taking the responsibility for some things that happened between 1917 and 1919.

Mr. President, I do not want to bring politics into this discussion. I might go into history and refer to Andrew Jackson. I might go into the record of Secretary Marcy in the administration of President Pierce. No party, however, is immaculate; no individual is absolutely immaculate, and I am not claiming that for either party. I think both parties have aided very materially in the promotion of the civil service, and I have been very glad to contribute my own humble part to the cause. I do think it most remarkable, however, that there should be such, I might almost say, an outcry in favor of applying the civil-service rules now, when in the last taking of the enumeration nothing was done by the party now advocating it to enforce the rules of the civil service.

I know how it was in my own locality. Not so much perhaps the enumerators but the supervisors were made up of some of the choicest specimens of Democrats I ever knew; they were unanimously democratic, and I think they took a good census. I do not find fault with their accuracy or their honesty. I think they did very well, and I should like to see some of them employed in connection with the taking of the 1930 census, as they probably will be, as I imagine my colleagues on the other side of the aisle will see to it that some of them are appointed. I do not think, however, it stands very well for those who now advocate a civil-service policy to ignore their own record in choosing a solemn array of Democrats in the last census and never thinking of any legislation that would interfere with that course.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BURTON. Yes.

Mr. McKELLAR. I understood the Senator to say a while ago that he was in favor of the civil service.

Mr. BURTON. Yes; I am where it is practicable.

Mr. McKELLAR. The Civil Service Commission as now constituted, two Republicans and one Democrat, I believe, says that it is entirely practicable to apply civil-service rules in connection with census employees, and they think that such a course ought to be followed. They are exactly in line with what those of us who believe in the civil service have been advocating for many years. Why should there be an exception at this time? It is because of the general election of 1930? Why should not the census employees be appointed under the civil-service rules, which time has shown is the best possible way of appointing them?

Mr. BURTON. Mr. President, I have the greatest respect—

The PRESIDING OFFICER. The time of the Senator from Ohio on the amendment has expired. He has 30 minutes on the bill.

Mr. BURTON. I will speak on the bill for a few minutes.

Mr. President, I have the greatest respect for the Civil Service Commission, composed of two men and one woman, and I have known the secretary of the commission since 1888. I have not, however, had long experience in public affairs without knowing that every bureau and every commission is exceedingly willing, I might say even anxious, to enlarge its jurisdiction. I am not sure that the members of the commission have any anxiety to take charge of the selection of census appointees.

Of course, the Civil Service Commission thinks it can do the work. All of us think we can do things. Sometimes our thought is correct, but more frequently possibly it is incorrect;

but I do not think that their view of the subject should absolutely prevail.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. McKELLAR. I agree with the Senator in what he says about the desire of commissions and bureaus ordinarily to increase their own importance and jurisdiction; we all know that that is true; but as I understand, here is a commission that say they have virtually enough men and women on the eligible list now to take care of all of the appointments necessary in connection with the taking of the census; that they have already been examined; that they can be put to work at almost any time. Under those circumstances why should we return to the spoils system when the Civil Service Commission has already done the work?

Mr. BURTON. It is not so much a question of returning to the spoils system in taking the census, if you wish to call it such, for we have always had it. But, partially to answer the suggestion that the Civil Service Commission might do the work satisfactorily, let me say, in the first place, that they have not now a sufficient number of eligibles. The highest estimate they make is 75,000. In the second place, those eligibles were examined for a great variety of offices and may be fit and may not be fit for taking the census.

In the next place, the compensation for enumerators, especially—for they constitute far and away the largest number—is so slight that you can hardly expect any considerable portion of these eligibles to accept positions. They do not want to spend two weeks in taking a census unless it is a kind of a lark for them, and probably not a very attractive lark. That is a third reason.

The fourth reason is one that I have given. The enumerators should dwell in the districts where they take the enumeration. You will have unbounded complications if you select them from a civil-service list in the way proposed by this amendment.

Another reason still, which I have already named, is that for harmony in the service, for efficiency, it is exceedingly desirable that each enumerator should know that he bears some responsibility to the supervisor under whom he works.

I think that is all I have to say.

I want to ask one question: Suppose I wish to speak under the general leave on the bill after this; what would be my status? Would the time I have used be deducted, or have I exhausted my right to speak on the bill by speaking a few minutes on it?

The PRESIDING OFFICER. The Senator from Ohio is informed that he has 30 minutes on the bill and 30 minutes on an amendment.

Mr. BURTON. I have exhausted my time on this amendment.

The PRESIDING OFFICER. The Senator has exhausted his time on the amendment but not on the bill.

Mr. BURTON. I desire to reserve the balance of my time.

Mr. HEFLIN. Mr. President, it has been the custom in the past, I think, with some of the presiding officers, if a Senator did not want to consume all of his time, but merely wanted to make a brief remark, that they charged it up to him and told him how much time he had remaining. If he did not do that, when a Senator had 30 minutes and spoke 3 minutes he would have exhausted his time.

Mr. JOHNSON. But pardon me. This unanimous-consent agreement provides that a Senator may speak but once.

The PRESIDING OFFICER. Yes; the unanimous-consent agreement provides that no Senator may speak more than once or longer than 30 minutes upon the pending bill.

Mr. McKELLAR. In view of the fact that the Senator from Ohio has used just a moment or two, and that, I believe, in answering a question that I asked him, I ask unanimous consent that that be not charged to him.

Mr. JOHNSON. No; that is unnecessary, and in order to preserve the unanimous-consent agreement I should not want to consent to it; but the fact is that the Senator from Ohio has actually used just 30 minutes, and he has not impinged upon the 30 minutes that he may have on the bill.

Mr. McKELLAR. That is all right. I did not want him to lose the right to speak on the bill.

Mr. ASHURST. Mr. President, I offer an amendment to the pending amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to add, at the proper place in the amendment offered by the Senator from New York, the following words:

and direct preference shall be given to the disabled veterans of wars in which the United States has been engaged.

Mr. WAGNER. I accept that amendment.

Mr. ASHURST. The able Senator from New York has accepted the amendment I have proposed, and he has that parliamentary right.

Mr. JONES. May I suggest to the Senator from Arizona that that is already provided in the bill?

Mr. ASHURST. I fear not in such language as would give absolute assurance.

We have heard much talk about open executive sessions.

Our Olympian American humorist, Mark Twain, once said that everybody complains of the weather but that nobody ever does anything about it. My friend the Senator from Washington [Mr. JONES], almost every time anyone talks about amending the rules, rises and says he is going to have a resolution to change the rules. I hope that he will soon press his resolution looking toward amending the rules so that these secret executive sessions shall be abolished. The able Senator from time to time announces that he has a resolution to that effect but never presses the same.

Mr. VANDENBERG. Mr. President, with a question pending, probably to-morrow, suggesting the exemption or exclusion of aliens from the enumeration count for apportionment purposes, I am very anxious to have in to-morrow morning's print of the CONGRESSIONAL RECORD a legal opinion furnished by the legislative counsel of the Senate upon the constitutional phases of that problem. I submit the opinion and ask that it be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

POWER OF CONGRESS TO EXCLUDE ALIENS FROM ENUMERATION FOR PURPOSES OF APPORTIONMENT OF REPRESENTATIVES

The opinion of this office has been requested on the question whether legislation excluding aliens from enumeration for the purposes of apportionment of Representatives among the States is constitutional.

The apportionment of Representatives is provided for in section 2 of the fourteenth amendment, which superseded the original constitutional provision found in Article I, section 2, paragraph 3. The answer to the above question depends on whether the word "persons" as found in section 2 of the fourteenth amendment is to be construed to embrace aliens. Inasmuch as there are no court decisions construing the constitutional provisions on the particular point, the question will be considered in the light of the ordinary meaning of the word "persons," its meaning in other sections of the Constitution, as shown by internal evidence and by cases construing those sections, the history of the apportionment provision in the Constitutional Convention, the history of the fourteenth amendment, and past congressional construction of the provision.

I. UNDER THE FOURTEENTH AMENDMENT

The present provision governing apportionment of Representatives is section 2 of the fourteenth amendment:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed * * *."

Words in the Constitution are given the meaning they had at common law or in common use, their "natural and obvious" sense, unless there are strong reasons to the contrary. (Pollock v. Farmers Loan & Trust Co. (1895), 158 U. S. 601, 618; Gibbons v. Ogden (1824), 9 Wheat. 1, 188; Martin v. Hunter (1816), 1 Wheat. 304, 326; Tennessee v. Whitworth (1886), 117 U. S. 139, 147; Veazie Bank v. Fenno (1869), 8 Wall. 533, 542; Locke v. New Orleans (1866), 4 Wall. 172.) There can be no question that at common law and in common use, at the time of the adoption of this provision and since, an alien was and has been a "person." "Person" is defined by Funk & Wagnalls' Standard Dictionary as follows:

"1. A human being as including body and mind; a man, woman, or child; an individual. 2. An individual and rational being; a being possessed of self-consciousness, cognitive memory, powers of rational inference, and with ethical and esthetic feelings, conceptions, and ideals, as distinguished not only from the inorganic, but also from the merely organic and animal existences. 3. The body of a human being or its characteristic appearance and condition; one's shape and looks; as crimes against the person; neat about his person. Law: Any human being, corporation, or body politic having legal rights and duties * * *."

While in the legal sense it is possible for the word "persons" to include artificial persons, there is nothing in any of the above definitions (which it is assumed are typical) to warrant the exclusion of aliens from the meaning of the word as including all natural persons.

Internal evidence in this section of the fourteenth amendment supports the argument that the word "persons" is not to be restricted to citizens. It is used in contrast to the phrases "male inhabitants * * * being * * * citizens of the United States," and "male

citizens." "Indians not taxed" are excluded from the number of "persons," which would have been unnecessary if "person" did not include noncitizens. Light is cast indirectly on the inclusiveness of the word "person" in the apportionment clause by *United States v. Kagama* (1886), 118 U. S. 375, 378, which points out that the exclusion of Indians not taxed implies the inclusion of any Indians that are taxed.

That the fourteenth amendment was framed with the intention of including aliens is indicated by the rejection by the Congress of proposals to base representation on the number of citizens and on the number of voters. Several resolutions were introduced in the Senate and House basing representation on voters (Cong. Globe, 39th Cong., 1st sess., pp. 9-10, 535, 2804). The House Committee on Reconstruction adopted a resolution expressly proposing apportionment according to the number of citizens in each State (Reconstruction Committee Journal, p. 9), and then substituted a provision apportioning direct taxes and Representatives on the basis of the number of persons in each State, excluding Indians not taxed (Ibid. p. 10). When the matter was before the House Mr. Conkling, who had proposed the substitute in committee, gave the following reasons: (1) Because "persons," not "citizens," had always constituted the basis; (2) because it would narrow the basis of taxation on account of the unequal number of aliens in the several States; (3) because many of the States held representation in part by reason of their aliens, and the legislatures and people of such States would not ratify an amendment which would reduce their representation. (Cong. Globe, 39th Cong., 1st sess., p. 359.) In the Senate Mr. Wilson gave as his reason for opposing the substitution of "voters" for "persons" that it would strike more than 2,000,000 un-naturalized foreigners from the basis. (Cong. Globe, 39th Cong., 1st sess., p. 2986.) These statements show beyond question a contemporaneous legislative construction of the word "person" as inclusive of aliens, and an intention by its use to continue that meaning.

While the word "person" as used in this section of the fourteenth amendment has not been construed by the courts, it is highly persuasive that in the due process and equal protection clauses of section 1 of the amendment the word "person" has always been held to include aliens. *Truax v. Raich* (1915), 239 U. S. 33; *Colyer v. Skeffington* (D. C. Mass., 1920), 265 Fed. 17; *Yick Wo v. Hopkins* (1886), 118 U. S. 356, 369; *United States v. Lee Huen* (D. C., 1902), 118 Fed. 442, 455.

II. UNDER THE ORIGINAL CONSTITUTION

The provision of the original Constitution relative to apportionment is paragraph 3 of section 2 of Article I:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons * * *."

Since the fourteenth amendment changed this provision only by omitting reference to direct taxes and by eliminating the language relative to slaves, it may be supposed that there was no intention to use the word "persons" with a meaning other than its original meaning. Therefore any evidence that the term in the original constitutional provision includes aliens is here relevant.

The internal evidence of this provision is against restricting the term "persons" to citizens. "Persons" is used in a sense broad enough to include Indians, and in the phrase "all other persons" to mean slaves. Neither slaves nor Indians were then citizens. See *Amy v. United States*, 24 Fed. Cas. No. 14445.

The word "person" is used in opposition to "citizen" in the second paragraph of the same section:

"No person shall be a Representative who shall not have been seven years a citizen of the United States * * *"

and also in the third paragraph of section 3 of Article I—

"No person shall be a Senator who shall not have * * * been nine years a citizen of the United States * * *"

and in Article II, section 1, paragraph 5—

"No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President * * *"

These provisions, in which aliens are expressly excluded, negative the suggestion that the Constitution did not contemplate the presence of aliens in the United States.

In the first paragraph of section 9 of Article I, the word "person" is so used that it can apply only to aliens:

"The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight * * *"

Twice in section 3 of Article III, and again in the second and third paragraphs of section 2 of Article IV, the word "person" is used in ways that clearly do not restrict it to citizens; in the last instance it again means slaves.

The argument that aliens were not thought of by the Constitutional Convention is further met by the grant to Congress in the fourth

paragraph of section 8 of Article I of power "To establish a uniform rule of naturalization."

The protection of the fifth amendment, using the word "person," has always been held to extend to aliens. *Wong Wing v. United States* (1896), 163 U. S. 228, 238; *Li Sing v. United States* (1901), 180 U. S. 486, 495; *United States v. Brooks* (D. C. Mich., 1922), 284 Fed. 908; *United States v. Wong Quong Wong* (D. C. Vt., 1899), 94 Fed. 832.

The only evidence in the records of the Constitutional Convention bearing on the point in question is against exclusion of noncitizens. The phrase relating to the basis of apportionment as adopted by the convention and referred to the committee on style was "the whole number of free citizens and inhabitants, of every age, sex, and condition." (Farrand, Records of the Federal Convention, Vol. II, p. 571.) The use of "free citizens and inhabitants" seems to indicate that it was contemplated that there would be free inhabitants who would not be citizens, and that these should be counted. The substitution of "persons" for the longer phrase passed without comment or debate when the section as reported by that committee, and now embodied in the Constitution, was adopted. The substitution, therefore, may be regarded as a mere change in style and not in substance. This evidence that "persons" was taken to mean the same as "citizens and inhabitants" tends to show that the word was used in its common and broad sense and that the convention was conscious of the fact that "persons" includes noncitizens.

III. PAST CONGRESSIONAL CONSTRUCTION

The practical construction of the constitutional provision by Congress in its apportionment legislation has been uniformly in favor of inclusion of aliens. No exception of noncitizens from the enumeration has been made under any past apportionment. The term "persons" necessarily either includes or excludes aliens; its constitutional meaning can not be changed by Congress; and the fact that it has from the beginning been construed to include aliens should be conclusive if the meaning was open to dispute.

IV. CONCLUSION

The "natural and obvious" meaning of the word "persons," the internal evidence relating to its use in the apportionment provisions of the fourteenth amendment and original constitutional provision superseded by that amendment, the use of the word in other constitutional provisions and the decisions of the courts thereon, the history of the fourteenth amendment, the evidence of the records of the Constitutional Convention, and the uniform past congressional construction of the term by Congress in its apportionment legislation all lead to the conclusion that the term "persons" as used in section 2 of the fourteenth amendment includes aliens as well as citizens. It is therefore the opinion of this office that there is no constitutional authority for the enactment of legislation excluding aliens from enumeration for the purposes of apportionment of Representatives among the States.

Respectfully submitted,

C. E. TURNER,
Law Assistant.

HON. ARTHUR H. VANDENBERG,
United States Senate, April 30, 1929.

EXECUTIVE SESSION

Mr. BORAH. Mr. President, if it is agreeable to the Senator in charge of the bill, I desire to move an executive session.

Mr. JOHNSON. Yes, sir; that course is satisfactory.

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JOHNSON. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 24, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23 (legislative day of May 16), 1929

UNITED STATES CIRCUIT JUDGE

Archibald K. Gardner, eighth circuit.

CONSUL GENERAL

John E. Kehl.

CONSULS

Paul H. Alling.	Alfred D. Cameron.
George Alexander Armstrong.	Flavius J. Chapman, 3d.
Lawrence S. Armstrong.	William W. Corcoran.
Howard A. Bowman.	C. Paul Fletcher.
John H. Bruins.	Joseph T. Gilman.
Joseph F. Burt.	George J. Haering.

Benjamin M. Hulley.
Paul W. Meyer.
Austin R. Preston, jr.

Edwin Schoenrich.
Winfield H. Scott.
George E. Seltzer.

VICE CONSULS OF CAREER

Walter N. Walmsley, jr.
Dorsey G. Fisher.
Charles E. Bohlen.
Miss Margaret Warner.
Harold B. Minor.
Hiram Bingham, jr.
Milton P. Thompson.
Miss Nelle B. Stogsdall.
Claude A. Buss.
Daniel M. Braddock.

William Karnes.
William H. Hessler.
Albert E. Clattenburg, jr.
John H. Madonne.
Robert G. McGregor, jr.
Robert S. Ward.
Alvin T. Rowe, jr.
Stuart Allen.
Sydney G. Gest.
Kenneth C. Krentz.

SECRETARIES

Charles A. Page.
John M. Cabot.
George F. Kennan.

Alan S. Rogers.
Kennett F. Potter.
Joseph C. Satterthwaite.

FOREIGN SERVICE OFFICERS

CLASS 1

Charles B. Curtis.
Robert Frazer, jr.

Clarence E. Gauss.

CLASS 2

Charles M. Hathaway, jr.
Arthur Bliss Lane.

Samuel T. Lee.
J. Theodore Marriner.

CLASS 3

Charles L. Hoover.
Williamson S. Howell, jr.
Irving N. Linnell.
Frank P. Lockhart.

Jay Pierrepont Moffat.
Robert M. Scotten.
Edwin C. Wilson.
Thomas M. Wilson.

CLASS 4

Harry Campbell.
Harold D. Clum.
Thomas L. Daniels.
Erle R. Dickover.
John W. Dye.

Carol H. Foster.
Paul R. Josselyn.
David B. Macgowan.
Orme Wilson, jr.

CLASS 5

Charles E. Allen.
George L. Brandt.
Reed Paige Clark.
Cecil M. P. Cross.
John Dewey Hickerson.
Harry M. Lakin.
Robert D. Murphy.

Jefferson Patterson.
Charles J. Pizar.
Harold B. Quanton.
John Randolph.
H. Earle Russell.
Dana C. Sycks.

CLASS 6

Willard L. Beaulac.
Howard Bucknell, jr.
Raleigh A. Gibson.
Louis H. Gourley.
Robertson Honey.
William J. McCafferty.
John J. Melly.

Horace Remillard.
Winthrop R. Scott.
Harold Shantz.
Maurice L. Stafford.
Harold S. Tewell.
Howard K. Travers.
Herbert O. Williams.

CLASS 7

Gilson G. Blake, jr.
Edward Caffery.
J. Rives Childs.
Charles L. De Vault.
Curtis T. Everett.
Robert F. Fernald.
Richard Ford.
Herndon W. Goforth.

Loy W. Henderson.
Erik W. Magnuson.
Edwin A. Plitt.
Sydney B. Redecker.
Laurence E. Salisbury.
Edwin F. Stanton.
Christian T. Steger.
Leslie E. Woods.

CLASS 8

Paul H. Alling.
George Alexander Armstrong.
Lawrence S. Armstrong.
Howard A. Bowman.
John H. Bruins.
Joseph F. Burt.
Alfred D. Cameron.
Flavius J. Chapman, 3d.
William W. Corcoran.

C. Paul Fletcher.
Joseph T. Gilman.
George J. Haering.
Benjamin M. Hulley.
Paul W. Meyer.
Austin R. Preston.
Edwin Schoenrich.
Winfield H. Scott.
George M. Seltzer.

CLASS 6

H. Dorsey Newson.

UNCLASSIFIED

Walter N. Walmsley, jr.
Dorsey G. Fisher.
Charles E. Bohlen.
Miss Margaret Warner.
Harold B. Minor.
Hiram Bingham, jr.
Milton P. Thompson.

Miss Nelle B. Stogsdall.
Claude A. Buss.
Daniel M. Braddock.
William Karnes.
William H. Hessler.
Albert E. Clattenburg, jr.
John H. Madonne.

Robert G. McGregor, jr.
Robert S. Ward.
Alvin T. Rowe, jr.

Stuart Allen.
Sydney G. Gest.
Kenneth C. Krentz.

PROMOTIONS IN THE NAVY

To be captain

William Baggaley.

To be commanders

Mervyn S. Bennion.
Walter E. Brown.

To be lieutenant commander

Volney O. Clark.

To be lieutenants

Ehrwald F. Beck.
John J. O'Donnell, jr.
Orson R. Sutherland.

Edgar A. Cruise.
George D. Cooper.

To be lieutenants (junior grade)

Clarence C. Ray.
John J. Hourihan.
John W. Steele.

To be chief boatswains

Harry W. Weinberg.
John T. Sunderman.
Thomas O. Kirby.
Svend J. Skou.
Frank H. Lemon.
Ivan E. Pitman.
Vern W. McGrew.
John O. Strickland.
William S. Burns.
William H. Fiddler, jr.
James F. Jeter.
James L. Freese.
Edgar J. Hayden.
Lyle Turner.

Anthony Feher.
Albert A. Webb.
Marshall McN. Angleton.
Milo Hazard.
David L. Ullman.
Kenneth C. Ingraham.
Fred Michaelis.
Henry M. Brun.
Thomas F. McDermott.
George P. Childs.
Harold E. Russell.
Harold L. Arnold.
William A. Buckley.

To be chief gunners

Warren C. Carr.
Charles A. Strumsky.
Arthur S. Fenton.
Joseph J. Cox.

Charles B. Day.
Francis Quotidomine.
William M. Coles.
Ralph T. Bundy.

To be chief electricians

Merion E. Hair.
Albert J. Petrsek.
Thomas Q. Costello.

To be chief radio electricians

William H. Frost.
George W. Almour.

To be chief machinists

Jacob F. Matsch.
Robert Farris.
John M. Fitzsimmons.
Ralph M. Jeffries.
John R. Rayhart.
John W. Cunningham.
William J. Lowe.
Edward J. Sherry.
William T. Crone.
Clarence C. McDow.
Meares B. Cartmell.

Edward J. Tyrrell.
Virgil D. Duke.
David L. Jones.
Thomas G. Powers.
Frederick W. Sievert.
Raymond G. Shively.
Vincent H. Starkweather.
Walter H. Wilson.
Harry F. Meachen.
Clarence J. P. Buckley.
Irvin J. Heckman.

To be chief carpenters

David Somers.
William J. Kennedy.

To be chief pay clerks

Harry S. MacKan.
Thomas S. Lowry.
Archie J. McDaniel.
Chauncey J. Buckley.
James A. Harris.
Crawford T. Folsom.
Albert H. Richter.
Norris D. Whitehill.
William D. Wilkinson.
Roderick C. Outten.
William L. A. Strawbridge.

Floyd L. Chapman.
Raymond V. Christmas.
Stanley A. Mann.
Charles A. Young.
Stanley C. King.
Oscar H. Weyel.
William D. Burroughs.
Writner Hostetter.
Frank L. Bevier.
Bellinger Dunham.
Henry L. Greenough.

MARINE CORPS

To be major

Ralph J. Mitchell.

To be captain

Williard P. Leutze.

To be first lieutenants

Clarence M. Knight. William E. Burke.
John D. Muncie. Robert G. Hunt.
Philip L. Thwing. James E. Kerr.

To be chief quartermaster clerk

Frank M. Sherwood.

To be colonel

Edward B. Manwaring.

To be lieutenant colonels

Calvin B. Matthews.
Albert E. Randall.

To be majors

Archie F. Howard.
Raymond R. Wright.

To be second lieutenants

Raymond F. Crist, jr. Charles D. Warfield.
William F. Coleman. Raymond B. Sullivan, jr.
Frederick G. Lippert. Clyde C. Roberts.
Homer C. Murray. Samuel B. Griffith, 2d.
Frank H. Schwable. William F. Bryson.
Edward C. Dyer. James B. Lake, jr.
Chandler W. Johnson. Harry C. Lang.
Melvin G. Brown. Otho C. Ledbetter.
Manley L. Curry. Deane C. Roberts.
Gordon Cone.

POSTMASTERS

ALABAMA

Rosa E. Smith, Red Level.

CALIFORNIA

Donald A. Parker, Etna.
Retta F. Hildreth, Firebaugh.
Walter I. Clapp, Huntington Beach.
Minnie E. Dawson, Newhall.
Florence M. Cole, Ross.

GEORGIA

Royce G. Braselton, Braselton.
Annie R. Hutcheson, Buchanan.
Clarence W. Bazemore, Butler.
Essie T. Patterson, Byromville.
James L. Dunson, Commerce.
Robert H. Manson, Darien.
Lula Plowden, Edison.
McCamie C. Gettys, Ellaville.
Robert Turner, Jasper.
Francis L. Chapman, Ludowici.
James D. Lane, Monticello.
William A. Garrett, Ropoville.
Marion Lucas, Savannah.
Susie M. Lunsford, Smithville.
J. Percy Freeman, Stone Mountain.
Mark A. Greene, jr., Tallapoosa.

HAWAII

Paul F. Sakamaki, Olaa.

IOWA

Frank Cook, Marengo.

LOUISIANA

Daniel B. Wiggins, Kaplan.
Olivier Dufour, Marrero.
Thomas H. Campbell, Morganza.
William L. S. Gordon, New Orleans.

MISSISSIPPI

James G. Carr, Centreville.
Isaac N. Joyner, Houlika.
James L. Cooper, Maben.
Maude Barton, Mathiston.
John R. Trimm, Tishomingo.

MISSOURI

J. Chester Arnold, Forsyth.
Marvin E. Gorman, Mansfield.

NEW YORK

John J. Tidaback, Tarrytown.
Nelson L. Lobdell, Victor.

OHIO

Raymond Richards, Addyston.
Roger G. Cameron, Smithfield.

PENNSYLVANIA

James Matchette, Hokendauqua.
Charles B. Rothenberger, West Leesport.

PORTO RICO

Cornelio D. Vargas, Guayama.

TENNESSEE

Valera E. Warren, Adams.
Daniel C. Ripley, Rogersville.

TEXAS

Felix F. Bridges, Como.
Henry C. Foote, Haskell.
August E. Dumont, Paducah.
Howell D. Greene, Sanger.

WISCONSIN

Homer J. Samson, Cameron.
James E. Finnerty, Redgranite.

HOUSE OF REPRESENTATIVES

THURSDAY, May 23, 1929

The House met at 1 o'clock p. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, holy, holy is Thy name. We see Thy hand to-day in the beauty and prospect of nature, in the promise of harvest field and orchard grove, and in the numberless delights of Thy providence. Open our hearts to this inflow of divine order, for everything breathes the promise of new life. Do Thou help us to do true and noble things, and thereby justify our place in the life of the Republic. O voice of God, incite us to the formation of true characters, for without which all accomplishments and achievements, all talent and learning are nothing. In the pauses of the work of this day may we have right incentive, cheer, and rest. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRINTING ADDITIONAL COPIES OF HEARINGS ON FARM RELIEF LEGISLATION

Mr. BEERS. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

Senate Concurrent Resolution 6

Resolved by the Senate (the House of Representatives concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Agriculture and Forestry of the Senate be, and is hereby, empowered to have printed for its use 2,000 additional copies of the hearings held before said committee on farm relief legislation, Seventy-first Congress, first session.

The Senate concurrent resolution was agreed to.

THE USE OF GAS IN WARFARE

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 1 minute and to extend his remarks. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker and gentlemen of the House, on last Friday, the 17th, a distinguished colleague called attention to the recent hospital catastrophe at Cleveland, Ohio, in which 125 lives were lost, and suggested that it had some connection with gas warfare. He deplored the fact that our Government refused to approve the Geneva protocol outlawing the use of gas in war and intimated that this course was influenced by the American Legion, and that the American Legion lacked understanding and comprehension.

I want this House and the people of the country to know that the American Legion has studied this question for years and understands it too well to permit without protest the hamstringing of our Army, the crippling of our national defense. The members of the American Legion realize better than any other body of our citizens the horrors of war. They are opposed to war, all kinds of war; not only war by gas but war by all the frightful weapons that kill, tear, rend, maim, and mutilate. But give us security that any such agreement as the Geneva protocol will be observed by foreign nations, give us the assurance that the American people will not court punishment for the folly of putting naïve faith in what experience should teach us that others, under stress, may regard but as a "scrap of paper," and there will be nothing but cooperation. We challenge the proponents of the Geneva protocol to furnish a safeguard to the American people, a people who refuse to make treaties that can not be enforced nor kept.